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November 27, 2006
VIA HAND DELIVERY

TTAB

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

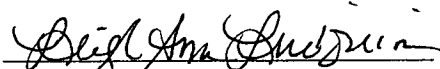
Re: Testimony Deposition of Todd S. Cantrell
The Mentholatum Company v. Therox, Inc.
Opposition No. 91/160,810
Mark Opposed: OXIMUM
Our Ref.: 201091

Dear Sir:

Pursuant to Trademark Rule No. 2.125, enclosed herewith is the testimony deposition of Todd S. Cantrell taken on October 19, 2006 on behalf of Opposer, The Mentholatum Corporation.

The Board will note that the testimony deposition of Todd S. Cantrell consists of a non-confidential portion of the deposition together with Exhibits 1-12, and further, consists of a confidential portion together with Exhibit 13. The confidential portion of the Cantrell deposition, together with Exhibit 13, is submitted in a separate envelope clearly marked "Trade Secret/Commercially Sensitive". The Trademark Trial and Appeal Board is respectfully requested to treat the confidential portion of the transcript and Exhibit 13 as a confidential document and exhibit, and the Board is requested to keep this confidential portion separate and apart from the non-confidential transcript portion so that the confidential portion is kept under seal and is only available to the people described in the entered Protective Order as having access to material designated "Trade Secret/Commercially Sensitive".

Respectfully submitted,

By: 
Leigh Ann Lindquist
Attorney for Opposer
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3202

LAL

Enclosures: Non-Confidential Testimony Deposition of Todd S. Cantrell
(w/Exhibits 1-12)
Confidential Portion of Deposition of Todd S. Cantrell
(w/Exhibit 13 to be kept confidential and separate and apart from non-confidential
testimony deposition transcript)

11-27-2006

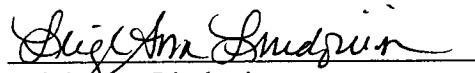
U.S. Patent & TMO/TM Mail Report #22

CERTIFICATE OF SERVICE

I, Leigh Ann Lindquist, Esquire, hereby certify that on this 27th day of November, 2006, a true and correct copy of the Errata Sheet for the **DEPOSITION OF TODD S. CANTRELL** were sent via First Class U.S. Mail, postage prepaid to:

Tawnya R. Wojciechowski, Esq.
TRW Law Group
19990 MacArthur Boulevard, Suite 1150
Irvine, CA 92612

Applicant's counsel has copies of the Cantrell transcripts and exhibits. Accordingly, no copies of the transcripts and exhibits are being forwarded to Applicant's counsel.



Leigh Ann Lindquist

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

1			
2			
3	* * * * *		
4	THE MENTHOLATUM COMPANY,		
5	Opposer,		
6	-VS-		OPPOSITION NO.
7	THEROX, INC.,		91/160,810
8	Applicant.		
9	* * * * *		

Deposition of TODD S. CANTRELL, taken pursuant to
Trademark Rule 2.123, before John A. Villafranca, Court
Reporter and Notary Public, at the Offices of The Mentholum
Company, Inc., 707 Sterling Drive, Orchard Park, New York
14127, on Thursday, October 19, 2006, commencing at 10:40
O'clock A.M., as per Opposer Notice.

APPEARANCES: **SUGHRUE MION, P.L.L.C.**
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I N D E X

WITNESS

PAGE

TODD S. CANTRELL

Direct Examination by Ms. Lindquist	8
Cross Examination by Ms. Wojiechowski	57
Re-Direct Examination by Ms. Lindquist	63

E X H I B I T S

DEPOSITION
EXHIBIT

DESCRIPTION

MARKED
FOR ID.

1	OPPOSER'S AMENDED NOTICE OF TAKING TESTIMONY DEPOSITION DATED OCTOBER 17, 2006	5
2	PACKET OF OXY NATION.COM WEBSITE DOCUMENTS	14
3	LETTER/MEMO FROM DEBRA WARNER, BUYER DEPARTMENT 46 SKINCARE, TO WAL-MART DEPARTMENT 46 MANAGERS	5
4	OXY 2005 MEDIA FLOWCHART	5
5	PACKET OF DOCUMENTS, INCLUDING PRESS RELEASE AND ATTACHED PHOTOGRAPHS	5

E X H I B I T S

(Continued)

<u>DEPOSITION EXHIBIT</u>	<u>DESCRIPTION</u>	<u>MARKED FOR ID.</u>
6	PHOTOSTATED PAGE FROM THE SUNDAY OREGONIAN DATED AUGUST 21, 2005	6
7	THREE PRESS RELEASES	28
8	TWO PAGES OF MANUFACTURER'S COUPONS	6
9	TWO-PAGE PRESS RELEASE TITLED, "OXY DEBUTS TELEVISION CAMPAIGN FEATURING DAVE MIRRA" DATED JULY 25, 2005	6
10	TWO-PAGE PRESS RELEASE TITLED, "OXY ACNE SOLUTIONS SIGNS TWO ATHLETES FOR 2005 SUMMER X GAMES" DATED AUGUST 4, 2005	6
11	DAVE MIRRA CAMPAIGN AD FEATURING CHILL FACTOR PRODUCT	7
12	MTV.COM - OXY SUPPORT YOUR JOCK GIVEAWAY ENTRY FORM	38
13	PACKET OF TRADE SECRET/COMMERCIALY SENSITIVE DOCUMENTS	7

1 P R O C E E D I N G S

2 Thursday, October 19, 2006

3 Commencing at 10:40 O'clock A.M.

4
5 MS. LINDQUIST: Why don't we mark these before we begin.

6
7 (WHEREUPON THE REPORTER MARKED OPPOSER'S
8 AMENDED NOTICE OF TAKING TESTIMONY
9 DEPOSITION DATED OCTOBER 17, 2006 AS
10 DEPOSITION EXHIBIT NO. 1 FOR
11 IDENTIFICATION.)

12
13 (WHEREUPON THE REPORTER MARKED A
14 LETTER/MEMO FROM DEBRA WARNER, BUYER
15 DEPARTMENT 46 SKINCARE, TO WAL-MART
16 DEPARTMENT 46 MANAGERS AS DEPOSITION
17 EXHIBIT NO. 3 FOR IDENTIFICATION.)

18
19 (WHEREUPON THE REPORTER MARKED OXY 2005
20 MEDIA FLOWCHART AS DEPOSITION EXHIBIT NO. 4
21 FOR IDENTIFICATION.)

22
23 (WHEREUPON THE REPORTER MARKED A PACKET OF

1 DOCUMENTS, INCLUDING PRESS RELEASE AND
2 ATTACHED PHOTOGRAPHS AS DEPOSITION EXHIBIT
3 NO. 5 FOR IDENTIFICATION.)
4

5 (WHEREUPON THE REPORTER MARKED A
6 PHOTOSTATED PAGE FROM THE SUNDAY OREGONIAN
7 DATED AUGUST 21, 2005 AS DEPOSITION EXHIBIT
8 NO. 6 FOR IDENTIFICATION.)
9

10 (WHEREUPON THE REPORTER MARKED TWO PAGES OF
11 MANUFACTURER'S COUPONS AS DEPOSITION
12 EXHIBIT NO. 8 FOR IDENTIFICATION.)
13

14 (WHEREUPON THE REPORTER MARKED A TWO-PAGE
15 PRESS RELEASE TITLED, "OXY DEBUTS
16 TELEVISION CAMPAIGN FEATURING DAVE MIRRA"
17 DATED JULY 25, 2005 AS DEPOSITION EXHIBIT
18 NO. 9 FOR IDENTIFICATION.)
19

20 (WHEREUPON THE REPORTER MARKED A TWO-PAGE
21 PRESS RELEASE TITLED, "OXY ACNE SOLUTIONS
22 SIGNS TWO ATHLETES FOR 2005 SUMMER X GAMES"
23 DATED AUGUST 4, 2005 AS DEPOSITION EXHIBIT

1 NO. 10 FOR IDENTIFICATION.)

2 (WHEREUPON THE REPORTER MARKED DAVE MIRRA
3 CAMPAIGN AD FEATURING CHILL FACTOR PRODUCT
4 AS DEPOSITION EXHIBIT NO. 11 FOR
5 IDENTIFICATION.)

6
7 (WHEREUPON THE REPORTER MARKED A PACKET OF
8 TRADE SECRET/COMMERCIALLY SENSITIVE
9 DOCUMENTS AS DEPOSITION EXHIBIT NO. 13 FOR
10 IDENTIFICATION.)

11
12 MS. LINDQUIST: Thank you. As a preliminary matter, I'd
13 like to say that we are here today taking
14 the testimony deposition in the Trademark
15 Opposition matter No. 911160810 captioned,
16 "The Mentholatum Company versus Therox,"
17 and Opposer, The Mentholatum Company, is
18 taking its testimony deposition today.
19 There is also a stipulated protective order
20 in place in the opposition. We will be
21 discussing confidential or trade secret
22 information today. Those portions of the
23 record and any exhibits that we discuss

1 that are confidential should be bound in a
2 separate part of the record. You can swear
3 the witness now.

4

5 T O D D S. C A N T R E L L, 98 Princeton Place, Orchard
6 Park, New York 14127, a witness produced by and testifying on
7 behalf of the Opposer, after having been first duly sworn, was
8 examined and testified as follows:

9

10 DIRECT EXAMINATION BY MS. LINDQUIST:

11 Q. Could you please state your name, address and employer for
12 the record?

13 A. Yes. It's Todd Cantrell. My address -- home address?

14 Q. You can give your employer's address.

15 A. Employer's address is; 707 Sterling Drive, Orchard Park,
16 New York 14127.

17 Q. And your employer's name?

18 A. The Mentholatum Company.

19 Q. We've marked Exhibit 1, and I will hand it to you. Can
20 you identify what's been marked as Exhibit 1?

21 A. (Examining) Yes, this is the testimony deposition for Todd
22 Cantrell; me.

23 Q. Okay. Now, we're going to talk about your educational

1 background a little bit. Can you take me from your
2 graduation from college, where you graduated from and your
3 degree, through to any graduate work and any additional
4 course work you might have done outside of a degree
5 program?

6 A. Okay. Yes. I graduated in 1991 from the University of
7 Tampa in Tampa, Florida with a Bachelor of Science Degree
8 in Marketing, and several years into my career, I
9 graduated in 1999 from the University of Phoenix with an
10 MBA.

11 Q. Did you take any marketing classes in your MBA program?

12 A. Yes.

13 Q. Have you done any additional course work since attaining
14 your MBA degree?

15 A. No, not really.

16 Q. Can you give us your employment history from your
17 graduation from college up until the present, and when
18 you're providing the information, where possible, can you
19 give dates --

20 A. Okay.

21 Q. -- your titles and your employer?

22 A. Sure. In 1993, I was employed by The Roadmaster Corpora-
23 tion, and my primary function there was -- I started out

1 as an assistant marketing manager, and I was in that role
2 for about two years. Then for roughly the last year of my
3 employment there, I was a marketing manager over the
4 fitness equipment product line.

5 Q. What does Roadmaster produce or make? What kind of
6 products?

7 A. They manufacture equipment, fitness equipment; swing sets,
8 bikes, tricycles. Snow products; sleds, sleighs.

9 Q. So after Roadmaster, where did you work?

10 A. The Coleman Company in Wichita, Kansas, and there I was a
11 product manager and worked on the lighting category.

12 Q. What were the dates of your employment with Coleman?

13 A. That was 1995 and 6. Actually, 1996 I believe.

14 Q. Where were you employed after that?

15 A. Warner-Lambert, that was in Blacksburg, Virginia, and that
16 was in 1997 through 2004, and there I was a senior brand
17 manager on the nutrition line, pet product nutrition line
18 for a division called Tetra, T-e-t-r-a.

19 Q. In those various positions at Roadmaster, Coleman, Warner-
20 Lambert, what were your job responsibilities, just very
21 briefly?

22 A. Primary job functions were developing new products,
23 managing the brands that I was responsible for, which

1 encompassed; TV advertising, media, any type of celebrity
2 or athletic endorsements, any type of licensing with other
3 brands or properties, and liaising with manufacturing and
4 operations, as well as the sales department.

5 Q. Is Mentholatum a subsidiary of another company?

6 A. Yes.

7 Q. What is that?

8 A. Rohto Pharmaceuticals.

9 Q. Where is Rohto Pharmaceuticals located?

10 A. Osaka, Japan.

11 Q. What products is Rohto known for?

12 A. They're known for -- they've got several lines of skin
13 care products, they've got eyedrops, and they do many,
14 many different items. Nutritional supplements.

15 Q. What is your current title here at Mentholatum?

16 A. Brand manager.

17 Q. For what brand?

18 A. For OXY.

19 Q. How long have you had that position?

20 A. For about a year and a half. Since June of 2005.

21 Q. What are your responsibilities as brand manager for OXY?

22 A. First and foremost, it is truly to manage the brand, the
23 brand image of OXY and everything surrounding that, which

1 would encompass; new product development. Working with,
2 again, media plans that include TV, print, radio, event
3 marketing, endorsements or athletic sponsorships, and
4 then, again, working with our sales department, operations
5 department for manufacturing and retail sales.

6 Q. Do you have a team that works with you on OXY matters?

7 A. Yes.

8 Q. Are you responsible for any other brand here at
9 Mentholatum?

10 A. No.

11 Q. When did Mentholatum acquire the OXY brand?

12 A. December 2004.

13 Q. Do you know what company held the brand before Mentholatum
14 acquired it?

15 A. Yes, it was GSK.

16 Q. How do you know that?

17 A. It's -- I just do. I mean, I've seen the paperwork as far
18 as the sale, the transaction.

19 Q. So in your role as brand manager, you have reviewed
20 historical documents for the OXY brand, as well as sales
21 documents for the OXY brand?

22 A. Yes.

23 Q. Is it fair to say that you have a knowledge of marketing

1 promotion in the sale of the OXY brand by GSK based on
2 your review of business records that were provided by GSK?

3 | A. Yes.

4 Q. For your deposition today, did you review any documents
5 that were kept in the normal course of business by
6 Mentholatum regarding the OXY brand?

7 | A. Yes.

8 Q. And it's fair to say that your knowledge --

9 MS. WOJIECHOWSKI: His response on that one?

10 MS. LINDQUIST: It was a "Yes." Just make sure you keep
11 your voice up.

12 THE WITNESS: Okay.

13 BY MS. LINDQUIST:

14 Q. Is it fair to say that you have knowledge of marketing,
15 promotion and sale of the OXY brand since Mentholatum has
16 acquired the brand?

17 | A. Yes.

18 Q. That's based on your review of documents that Mentholatum
19 has?

20	A. Yes.
----	---------

21 Q. Today, what's the geographical scope of the OXY product in
22 terms of sales?

23 A. OXY is distributed in the U.S., as well as virtually every

1 other country; South America, Asia, Africa, Europe.

2 Q. It's sold in all fifty states?

3 A. Yes.

4 Q. What type of products are offered under the OXY brand
5 today?

6 A. Currently, it is pads with salicylic acid, washes for the
7 face, scrubs for the face, both containing salicylic acid
8 and benzoyl peroxide.

9 MS. LINDQUIST: Now we're going to mark Exhibit 2, which is
10 the website printout, Oxy Nation.com.

11

12 (WHEREUPON THE REPORTER MARKED A PACKET OF
13 OXY NATION.COM WEBSITE DOCUMENTS AS
14 DEPOSITION EXHIBIT NO. 2 FOR
15 IDENTIFICATION.)

16

17 MS. LINDQUIST: We're only going to look at a portion of
18 this exhibit right now, Tawyna.

19 MS. WOJIECHOWSKI: Okay.

20 MS. LINDQUIST: Then we're going to come back to it. We're
21 going to go to the fifth page of the
22 exhibit and look at 5, 6, 7, 8, 9, 10, and
23 11.

1 MS. WOJIECHOWSKI: Okay.

2 BY MS. LINDQUIST:

3 Q. Can you identify these pages of Exhibit 12?

4 A. These right here (indicating)?

5 Q. Yes, those pages.

6 A. (Examining) Yes, I'm looking at the product section of OXY
7 Nation.com, which would include; OXY face scrub. OXY
8 Chill Factor face scrub. OXY Chill Factor daily cleansing
9 pads. OXY vanishing spot treatment. OXY daily wash. And
10 OXY Chill Factor daily wash.

11 Q. These are the products that Mentholum currently offers
12 under the OXY mark?

13 A. Yes.

14 Q. On all these pages at the top it says; Number 1
15 recommended by pharmacists. Can you tell us about that
16 circle?

17 A. Yes. In early 2005, a survey had come out put on by, I
18 believe it's the National Pharmacists Association, and it
19 showed that OXY was indeed the number one recommended
20 brand among pharmacists who had been surveyed, and so we
21 had decided to play that up on pack.

22 MS. WOJIECHOWSKI: "Brand" of what? I'm sorry. I
23 apologize. I don't want to object on

1 foundation, but I need you to establish
2 what you said; the number one leading
3 brand. The brand of what?

4 THE WITNESS: Among acne products.

5 MS. WOJIECHOWSKI: Okay. Thank you.

6 THE WITNESS: Sure.

7 BY MS. LINDQUIST:

8 Q. Does that emblem or seal appear on the packaging for the
9 OXY products?

10 A. Yes.

11 Q. The products that you've identified as currently being
12 offered under the OXY mark, were those the same products
13 that were available under the OXY mark when Mentholatum
14 acquired the brand in 2004?

15 A. Some of them were.

16 Q. So has Mentholatum added products to the OXY line?

17 A. Yes.

18 Q. What products have they added since 2004?

19 A. We've done Chill Factor scrub and Chill Factor pads and
20 Chill Factor wash.

21 Q. What does the Chill Factor -- is there any significance to
22 that as applied to the product?

23 A. Yes, it has a fragrance to it, and the addition of

1 menthol.

2 Q. The products that we see in Exhibit 2, the packaging, is
3 that the same packaging that GSK used to promote the OXY
4 brand when it was owned by GSK?

5 A. The structure, for instance, on the pads is the same
6 structure, but it's a different color plastic and much
7 different graphics.

8 Q. So when you say, "structure," do you mean the containers
9 that it's in?

10 A. Yes, and for the washes, we used a different structure for
11 that. It's a different bottle and different graphics.

12 Q. Is the color different or the same?

13 A. It's different.

14 Q. When were the products that we see in Exhibit 2 introduced
15 to the market?

16 A. The wash and pads were shipped December of 2005, and then
17 the scrub was shipped June of 2006.

18 Q. Where are those OXY products sold today?

19 A. Virtually everywhere. Mass drug and grocery, so that
20 would be; Wal-Mart, Target, CVS, Rite Aid, Eckerd, Brooks,
21 Longs, and eventually, every grocery store throughout the
22 country.

23 Q. Is it sold on the Internet at all?

1 A. Yes.

2 Q. Where would it be sold on the Internet?

3 A. I believe Drugstore.com, as well as the online extensions
4 of some of the other retailers like CVS and Rite Aid.

5 Q. Who purchases OXY products?

6 A. Mothers of teenage kids.

7 Q. When you say mothers of teenage children, what age group
8 are you talking about?

9 A. Females, roughly thirty-five to fifty-five years of age.

10 Q. Who is the ultimate user of the OXY products?

11 A. Teen boys, ages twelve to eighteen.

12 Q. What's the retail price for each of the OXY products that
13 we see in the portion of Exhibit 2 that we're talking
14 about, or were talking about?

15 A. They retail in the range of \$4.99 to approximately \$6.50
16 to \$6.99.

17 MS. LINDQUIST: Now we're going to go on the confidential
18 part of the record. Tawnya, this is just
19 confidential, so it's not the Trade Secret
20 stuff.

21 MS. WOJIECHOWSKI: Okay.

22 (THIS SPACE INTENTIONALLY LEFT BLANK)

23 ooooO0000oooo

1 MS. LINDQUIST: Now we're going off the confidential part
2 of the record.

3 BY MS. LINDQUIST:

4 Q. Now we're going to show Exhibit 3 to the witness. Have
5 you seen this document before?

6 A. (Examining) Yes.

7 Q. Can you identify and describe what it is?

8 A. Yes. This was a letter that went out from the skin care
9 buyer of Wal-Mart to all the department managers.

10 Q. The department managers at Wal-Mart?

11 A. Yes.

12 Q. What is the memo about?

13 A. Basically, the letter from the buyer describes OXY as
14 being a significant driver of sales within the acne
15 category. It talks about the, "new packaging and the
16 great new product has created almost a 40% increase year
17 to date."

18 Q. When they mentioned the, "great new product," what are
19 they talking about?

20 A. Mainly, the Chill Factor, but she's also inferring also to
21 other words of great new packing and new product. We had
22 reintroduced, again, a whole new look to OXY with new
23 graphics. She's talking about the Chill Factor, as well

1 as the new line of product -- the new look to the product
2 line.

3 Q. This document isn't dated, but do you know or can you give
4 an estimate as to when maybe it was sent?

5 A. Yes, I believe this was approximately last November
6 because it was in line with when all the new graphics and
7 new labels were going out to the stores. This letter was
8 intended to help the department managers' transition, the
9 packaging, to make it run a little smoother.

10 Q. Okay. At the bottom of the document it says Ms. Warner,
11 "Buyer Department 46 - skincare." What does that mean,
12 "Buyer Department 46 - skincare," do you know?

13 MS. WOJIECHOWSKI: Objection. Lack of foundation. Lack of
14 personal knowledge, but you can answer.

15 THE WITNESS: (No response).

16 BY MS. LINDQUIST:

17 Q. Based on your experience in marketing, do you work with
18 buyer departments or have you worked with buyer depart-
19 ments in the past with different stores?

20 A. Yes.

21 Q. When someone says, "buyer department," do you know what
22 that means?

23 A. Yes.

1 Q. Can you tell us what that means?

2 A. The skin care or just --

3 Q. Just, "buyer department" generally.

4 A. Yes. It's basically the department, or I guess in another
5 term, the category that they're responsible for for
6 buying.

7 Q. So a buyer at Wal-Mart, what does that mean?

8 A. It's the individual who a manufacturer or vendor calls on
9 and deals with to get products listed and promoted at
10 their retail store.

11 Q. Have you interfaced personally with buyers at Wal-Mart?

12 A. Yes.

13 Q. Have you personally interfaced with Ms. Warner?

14 A. No.

15 Q. Based on your personal interface with buyers at Wal-Mart,
16 do you know what the skin care department of the buyer
17 department is?

18 A. Yes.

19 Q. Can you tell us?

20 A. Yes.

21 Q. Please do.

22 A. Debra Warner, who is the buyer for Department 46, is
23 responsible for skin care, which represents acne, as well

1 as facial moisturizers and masks and treatments for skin
2 care, which also would include some anti-aging products,
3 and that's about it.

4 Q. Okay. When you introduced the new packaging for the OXY
5 product to Wal-Mart and your other retailers, did you
6 contact any pharmacists or other sales people within the
7 actual stores to tell them about the new packaging?

8 A. Yes.

9 Q. Who did you contact?

10 A. We had a direct mail piece that went out to the department
11 managers and pharmacists for Wal-Mart.

12 Q. What was in that direct mailing.

13 A. There was information talking about the transition of
14 packaging, so then they would know what the new look is of
15 OXY; therefore, they could recommend our product knowledg-
16 ably, knowing what it looks like. There was also some
17 coupons in there for them to either give out to department
18 employees or consumers who are coming up to the pharmacist
19 for recommendations. There was a little information in
20 there as well about our sponsorship of Dave Mirra and the
21 Dew Action Sports Tour.

22 Q. Now we're going to look at Exhibit 4, which has Bates
23 label number OPP00019. Can you identify this document for

1 us?

2 A. (Examining) Yes. This is the, "OXY 2005 Media Flowchart"
3 or media plan.

4 Q. Was this plan put in place?

5 A. Yes.

6 Q. In the first box on the left-hand side it says, "Dew Tour"
7 and then it has five cities listed. What is the Dew Tour?

8 A. The Dew Tour, it's formally called the Dew Action Sports
9 Tour, and it's a competition of extreme sports. It's a
10 partnership between Live Nation and NBC, and the title
11 sponsor is Mountain Dew.

12 Q. What is Live Nation?

13 A. Live Nation, formerly known as Clear Channel, is one of
14 the largest outdoor entertainment companies in the
15 country.

16 Q. Where is the Dew Tour held?

17 A. Five cities throughout the year. Same cities each year,
18 but; Louisville, Kentucky. Denver, Colorado. Portland,
19 Oregon. San Jose, California. And Orlando, Florida.

20 Q. What time of year is it held?

21 A. June is the first competition, and again, it goes
22 sequentially, and the last one is in Orlando, Florida in
23 October.

1 Q. Who attends the Dew Tour?

2 A. The primary attendee are teenage boys who are into extreme
3 sports, which they're often accompanied by their parents,
4 as well as friends, family.

5 Q. What does OXY do at the Dew Tour?

6 A. OXY is an associate sponsor, so we are represented on
7 television through some of the TV commercials, we have
8 branding on print ads, and then at the event itself, we've
9 got signage there. We also have a booth called the Chill
10 Pad or the Party Pad, and at the booth we sample -- we
11 give samples away, along with coupons. We have kids do
12 different games and we give out prizes. We also give away
13 Mardi Gras style beads for them to wear that contain the
14 OXY logo, and we also sponsor athletes who actually
15 participate at the event.

16 Q. Okay. We're going to now look at Exhibit 5, which has
17 Bates label OPP00008 through 00012, and the last page of
18 the exhibit is not Bates labeled. Can you identify what's
19 been marked as Exhibit 5?

20 A. (Examining) Yes. The first portion is a press release
21 talking about OXY kicking off a re-branding effort with
22 the OXY Party Pad. And then there's another page on here
23 talking about the OXY beads becoming a viral hit. The

1 next page is a hero card for Dave Mirra, who we sponsor,
2 as well as the next page; it's just the front and back.
3 The last page is a picture of our Chill Pad from the Dew
4 Action Sports Tour.

5 Q. What is a hero -- What did you call it?

6 A. Hero card.

7 Q. A hero card?

8 A. It's a common term used among athletes, celebrity
9 athletes. It's a card that they often take for
10 autographing sessions at different events or press
11 junkets, and they typically have a beauty shot of the
12 athlete or celebrity on the front, and on the back it
13 usually contains statistics and career highlights about
14 the athlete.

15 Q. Was this hero card distributed at the Dew Tour?

16 A. Yes.

17 Q. The OXY Party Pad and the Chill Pad, are those the same
18 things?

19 A. Yes.

20 Q. Can you tell us what the OXY beads are?

21 A. Yes. The OXY beads are -- it's a Mardi Gras style bead
22 necklace with a medallion at the end of it. On one side
23 of it is printed, "OXY," and then on the other side is

1 printed, "Dew Action Sports Tour," the logo. Again, we
2 give those out at each of the Dew Tour events and throw
3 them out to the crowd as a free giveaway.

4 Q. We're now moving to Exhibit 6, which has been Bates
5 labeled OPP00013. Can you identify what's been marked
6 Exhibit 6?

7 A. (Examining) Yes. It's an article from the Sunday
8 Oregonian, August 21, 2005 newspaper talking about,
9 "Athletes only part of the draw."

10 Q. What does the article talk about?

11 A. It just talks about -- in the article, it talks about,
12 basically, corporations being involved with sports like
13 this. Specifically, one of them is OXY giving out beads
14 and how the kids get whipped into a frenzy over free
15 giveaways.

16 Q. At the bottom of this page there are photographs.

17 A. Yes.

18 Q. What are those photographs of, if you can make them out?

19 A. They're basically all photographs from OXY's Party Pad
20 last year, and there are kids holding up medallions, the
21 beads we gave away with the OXY logo on it, as well as
22 signage from the event with "OXY" on them.

23 Q. How many people attend the Dew Tour?

1 A. On a given day -- which the event runs Thursday through
2 Sunday -- but on a given day, it can be anywhere from
3 fifteen to twenty thousand individuals.

4 Q. Who else is a sponsor of the tour?

5 A. Slim Jims. PlayStation. Toyota. Right Guard. Vans,
6 V-a-n-s. Panasonic. Mongoose. Yamaha. I think that's
7 almost all of them.

8 Q. Okay. We're going to go back to Exhibit 4 now. There's a
9 second box on the left-hand side entitled, "Print." What
10 is that box about?

11 A. That was the print campaign that we had for 2005, and
12 those were the various publications in which we placed an
13 OXY print ad.

14 Q. Now we're going to look at Exhibit 7, which has not been
15 marked yet. It is Bates labeled OPP00020 through 00022.

16 MS. LINDQUIST: Mark this, please.

17

18 (WHEREUPON THE REPORTER MARKED THREE PRESS
19 RELEASES AS DEPOSITION EXHIBIT NO. 7 FOR
20 IDENTIFICATION.)

21

22 BY MS. LINDQUIST:

23 Q. Can you identify what's been marked as Exhibit 7?

1 A. (Examining) Yes. These are print ads that ran last year.

2 Q. Are these the print ads that would have run in the
3 publications listed on Exhibit 4?

4 A. Yes.

5 Q. So the words "Mirra, September issue," "Cafeteria," and,
6 "Mirra" appear to the right of the different publications
7 that are listed under, "Print." What do those shaded
8 boxes refer to?

9 A. Basically, they're referring to which of the different
10 print ads ran in those publications.

11 Q. Does, "Cafeteria" refer to the title of a particular
12 advertisement?

13 A. Yes, it does. It actually refers to the first one on the
14 exhibit where the kid is in air with his tray of food
15 spilling all over the place.

16 Q. You're talking about Exhibit 7?

17 A. Yes.

18 Q. Back to Exhibit 4. The far right column for the print ads
19 there's, "Size" and then it says, "full page" underneath.
20 What does that refer to?

21 A. It refers to what portion or what size ad we ran in each
22 publication, and then it also talks about how many
23 insertions were run over the course of that twelve month

1 period in each of the publications.

2 Q. What is an, "insertion"?

3 A. Insertion is basically -- it represents one month -- an ad
4 being run in one month.

5 Q. The next category in Exhibit 4 on the left-hand side is,
6 "SFI." What is an, "FSI"?

7 A. Freestanding insert, which boils down to; it's a coupon,
8 and it's distributed in the Sunday paper.

9 Q. I'm going to hand you what's been marked Exhibit 8, which
10 is Bates labeled OPP00016 and 00017. Can you identify
11 that document?

12 A. (Examining) Yes. This is the FSI from 2005.

13 Q. Do you know what the circulation is for the FSI that those
14 coupons were sent in?

15 A. Yes. I believe the first one was forty-five million
16 homes, and I believe the second one was also forty-five
17 million homes.

18 Q. Who uses freestanding insert coupons?

19 A. The primary target on this is mothers of teen boys.

20 Q. What age group is that?

21 A. The mothers are in the age bracket of about thirty-five to
22 fifty-five.

23 Q. All right. Now we're going to go back to Exhibit 4 and

1 look at the last category there on the left-hand side. It
2 says, "Television." Can you tell us about that box?

3 A. Yes. We had three TV commercials that were produced for
4 2005, and they ran on these various TV networks; NBC, USA,
5 which both were associated with the Dew Action Sports
6 Tour, and we also ran spots on MTV, MTV2, and Comedy
7 Central.

8 Q. What time of day would these advertisements be shown on
9 TV?

10 A. On NBC they typically ran in the middle of the day on the
11 weekends. USA would typically run in the evening prime
12 time and late night. MTV, MTV2, both ran sporadically
13 throughout a twenty-four hour period. And Comedy Central
14 was typically prime time.

15 Q. To the far right there's the wording, "Total Spots" and
16 there are numbers listed underneath. What does that refer
17 to?

18 A. The length of the spot is a thirty-second TV commercial,
19 and the, "Total Spots" is the number of spots that were
20 purchased for each of these channels or networks.

21 Q. For MTV it says, "270." What does that mean?

22 A. That means over the course of the flight, that 270 TV
23 commercials ran, or were at least paid for, that ran.

1 Q. Okay. Now I'm going to show you what's been marked as
2 Exhibit 9, which is Bates labeled OPP00006 and 00007. Can
3 you identify that document?

4 A. (Examining) Yes. It's a press release from July 25, 2005
5 titled, "OXY Debuts Television Campaign Featuring Dave
6 Mirra."

7 Q. Does Exhibit 9 refer to one of the advertisements that's
8 listed in the last section of Exhibit 4 that we just
9 discussed?

10 A. Yes.

11 Q. Does Mentholatum have a personality or a person that they
12 have an endorsement agreement with for their OXY product?

13 A. Yes.

14 Q. Who is that person?

15 A. Dave Mirra.

16 Q. Who is he?

17 A. He's the most decorated athlete in extreme sports history.

18 Q. What sport does he participate in?

19 A. He participates in BMX.

20 Q. What is BMX?

21 A. It is bicycle.

22 Q. How long has OXY had this relationship with Dave Mirra?

23 A. Since the beginning of 2005.

1 Q. How long will the relationship run for?

2 A. Right now, we're contractually bound for three years, and
3 we're in year one of that three-year contract, so
4 basically through the beginning of 2009.

5 Q. What does he do for OXY?

6 A. He represents the brand, so we pay him a personal
7 sponsorship for actually when he competes; he wears the
8 OXY brand on his helmet. When he does press junkets or a
9 talk show, he represents the OXY brand. It may be
10 indirectly, meaning that he does not necessarily wear an
11 OXY logo, but he does represent our brand, and obviously
12 he does -- I guess his image is associated with the OXY
13 brand.

14 Q. Does he always wear his helmet that includes the OXY mark
15 when he competes?

16 A. Yes.

17 Q. Then I'm going to show you what's been marked as Exhibit
18 10, and it's Bates labeled OPP00004 and 00005. Can you
19 identify that document?

20 A. Yes. This is a press release from August 4, 2005 titled,
21 "Oxy Acne Solutions Signs Two Athletes For 2005 Summer X
22 Games."

23 Q. What are Summer X Games?

1 A. It's extreme sports competition put on by ESPN. Typically
2 held in Los Angeles, California.

3 Q. Can you give us an example of what an extreme sport is?

4 A. An extreme sport is represented by -- in the different
5 disciplines; BMX, which is bike. Skateboard. FMX, which
6 is motorcycle. They also have street luge. And as of
7 recently, they have something called drifting.

8 MS. WOJIECHOWSKI: Pardon?

9 THE WITNESS: Drifting, d-r-i-f-t-i-n-g.

10 BY MS. LINDQUIST:

11 Q. What is drifting?

12 A. It's putting a car in a controlled slide while racing.

13 Q. Do you do any product placement for OXY?

14 A. Yes.

15 Q. What have you done?

16 A. The last two seasons of the Real World, we've placed OXY
17 products on set.

18 Q. What is the Real World?

19 A. It's a reality show produced by Bunnum Murray, B-u-n-n-u-m
20 M-u-r-r-a-y, and they produce it, and then it's
21 distributed through MTV and airs on MTV.

22 Q. Do you have any in-store promotions?

23 A. Yes.

1 Q. Can you give us an example of an in-store promotion?

2 A. Oftentimes they're tailored to the specific retailer, but
3 a typical in-store promotion would encompass some sort of
4 display that would be found on an end cap or a sidekick of
5 an end cap, or possibly a major drive aisle.

6 Q. What's an end cap?

7 A. An end cap is the portion of the retail aisle as you're
8 walking off of the larger -- again, I'd say drive aisle --
9 but it's the main aisle that you typically walk. It's
10 perpendicular to the aisles in which the product is
11 stored. The end cap represents the shelving facing the
12 drive aisle.

13 Q. I'm going to show you what's been marked as Exhibit 11.
14 Can you identify that?

15 A. (Examining) This is a Chill Factor power wing from 2005.

16 Q. What is the power wing?

17 A. The power wing is a corrugate display, which it contains
18 Chill Factor wash and pads.

19 Q. Where would this display be in a store?

20 A. This would be held on the power wing of the end cap.

21 Q. What's seen in Exhibit 11, is this representative of the
22 type of display that you might have in a particular store?

23 A. Yes.

1 Q. Okay. Now we're going back to Exhibit 2. Can you
2 identify what is Exhibit 2?

3 A. (Examining) Yes. This is screen shots of our entire
4 website, which is OXY Nation.com.

5 Q. What kind of information is available on your website.

6 A. We have product information which talks about the features
7 and benefits of each of our products. We also have
8 information, it's called like the myths of OXY -- or of
9 acne I should say. There's also a section in there, an
10 entertainment section, which has blogs from Dave Mirra.
11 Wallpapers which can be downloaded.

12 Q. What is the wallpaper for?

13 A. It's for kids or people to put on their screen savers of
14 their computers, or the backgrounds of their computers,
15 and it contains Dave Mirra and some of our OXY girls who
16 are wearing OXY branding, and then there's a section on
17 there for the Dew Action Sports Tour. All of our TV
18 commercials are on there. And again, product information.

19 Q. What's the most popular page within that website?

20 A. The products section.

21 Q. How do you know that?

22 A. We get a report on a quarterly basis from our web host
23 company.

1 Q. You mentioned the OXY girls. Who are the OXY girls?

2 A. We have two females that we used in a campaign this last
3 August, and it's running right now. It's in concert with
4 a promotion that we did on an MTV TV show, and the girls
5 just represent OXY on-line. We have a miniature TV
6 commercial that plays when you go onto our website, and
7 again, some of their pictures are on there that you can
8 download, and you can also vote for your favorite OXY
9 girl.

10 Q. Are the OXY girls athletes?

11 A. One of them is in her personal life, yes.

12 Q. What type of athlete is she?

13 A. She is a professional water-skier.

14 Q. And the other OXY girl, what is her professional job?

15 A. She is a professional cheerleader for a professional
16 football team.

17 Q. What professional football team?

18 A. The Buffalo Bills.

19 Q. If you look at the section of this exhibit that discusses
20 Dave Mirra, which is on page 16, it has a picture of
21 someone with a helmet. Can you identify who that picture
22 is of?

23 A. Yes, that's Dave Mirra.

1 Q. What is he holding in his hand?

2 A. He's holding a helmet that he wears in competition, which
3 contains an OXY and a Slim Jim logo.

4 MS. LINDQUIST: Okay. Now we're going to mark Exhibit 12.

5

6 (WHEREUPON THE REPORTER MARKED AN MTV.COM -
7 OXY SUPPORT YOUR JOCK GIVEAWAY ENTRY FORM
8 AS DEPOSITION EXHIBIT NO. 12 FOR
9 IDENTIFICATION.)

10

11 BY MS. LINDQUIST:

12 Q. Can you identify what's been marked as Exhibit 12?

13 A. (Examining) Yes. This is a web page for the, "OXY Support
14 Your Jock" contest.

15 Q. What is the, "Support Your Jock" contest?

16 A. It's a contest that we have running right now. It helps
17 support the MTV 2-a-Day TV show that OXY sponsors.

18 Q. What is the 2-a-Day TV show?

19 A. It's a TV show that follows a football team around, a high
20 school football team, in Hoover, Alabama. They're ranked
21 number one as far as high school football in the entire
22 country.

23 Q. What is the program that OXY is providing?

1 A. Well, we provide sponsorship of the TV show, we're one of
2 the primary sponsors, and then we are running a contest
3 right now as well, where one school somewhere in the U.S.
4 will win \$25,000 towards their athletic program. And the
5 second tier of this is that as kids register for their
6 school, they also have an opportunity to win daily prizes
7 for themselves.

8 Q. Is this program, this MTV, "Support Your Jock" program or
9 contest promotion, is this advertised on your OXY
10 Nation.com website?

11 A. Yes.

12 Q. Do you have any other promotions for the OXY brand that we
13 haven't discussed?

14 A. No.

15 Q. Do you have a sponsorship of a sports camp?

16 A. Well, we're doing a sampling, a national sampling program
17 through sports camps.

18 Q. Can you describe that sampling program?

19 A. Yes. We have hired two sampling firms for the U.S. to
20 sample over 600,000 kids at high school sports camps
21 around the country. The sports camps represent all sports
22 that kids play; football, baseball, basketball, lacrosse,
23 swimming, soccer, and I think there's a few other sports

1 as well. We have packets that go out to each of the kids
2 that are handed to them during the camp, and it has a
3 product sample in it, a coupon, a calendar, as well as
4 some information about skin care and hygiene.

5 Q. Would you consider that to be a promotion?

6 A. Yes.

7 Q. Do you have a direct sales force that sells the OXY brand?

8 A. Yes.

9 Q. What do they do?

10 A. Our sales force calls on drug and mass merchants, as well
11 as some grocery, and then we have a few salespeople that
12 call on brokers, who then in turn call on the smaller,
13 lower-tier chain grocers around the country.

14 Q. When they call on someone, what do they do?

15 A. They --

16 MS. WOJIECHOWSKI: Let me get my objection in, please. Thank
17 you. Lack of personal knowledge and
18 speculation. Go ahead.

19 THE WITNESS: (No response).

20 BY MS. LINDQUIST:

21 Q. Do you work with the sales force that Mentholatum has for
22 the OXY brand?

23 A. Yes.

1 Q. Do you know what they do when they go to a retailer?

2 A. Yes.

3 MS. WOJIECHOWSKI: Objection.

4 BY MS. LINDQUIST:

5 Q. How do you know that?

6 A. Because I tell them to, and I give them the information
7 they need for the sales call.

8 Q. What information do you give them?

9 A. Product feature and benefits on new products. Product
10 movement on existing products. Competitive information,
11 which is IRI, A.C. Nielsen, and then any other trends
12 going on in the industry.

13 MS. LINDQUIST: Now we're going on the confidential part of
14 the record.

15

16

17

18 (THIS SPACE INTENTIONALLY LEFT BLANK)

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23

1 MS. LINDQUIST: Now we're moving off the confidential part
2 of the record.

3 MS. WOJIECHOWSKI: Okay. I'll call Margaret back in.

4 BY MS. LINDQUIST:

5 Q. Okay. When someone is purchasing an OXY product, what
6 level of care do they exercise when making that purchase?
7 Is it an impulse purchase or is it a planned purchase?

8 MS. WOJIECHOWSKI: Speculative. Lack of personal knowledge.

9 BY MS. LINDQUIST:

10 Q. Based on your experience as a brand management, do you
11 know what type of consumer purchases an OXY product?

12 A. Yes.

13 Q. Based on your review of documents as brand manager for
14 OXY, do you have knowledge as to whether or not purchasers
15 exercise care in making such a purchase? For example; is
16 the purchase planned or is it an impulse purchase?

17 A. Oftentimes it's planned.

18 Q. How do you know that?

19 A. Just from personal experience and knowledge from research.

20 MS. WOJIECHOWSKI: Same objection.

21 BY MS. LINDQUIST:

22 Q. Do you receive research materials that show the type of
23 consumer that purchases OXY in your role as brand manager?

1 A. Yes.

2 Q. Do you know the market share for the OXY product --

3 A. Yes.

4 Q. -- for acne care?

5 A. Yes.

6 Q. What is that market share?

7 A. That's 5.6 percent.

8 Q. Who are OXY's competitors?

9 A. Stridex. Clearasil. Neutrogena. Clearasil. Clearasil
10 Ultra, which is a sub-brand of Clearasil.

11 Q. Is ProActiv a competitor?

12 A. Yes.

13 Q. How is ProActiv sold?

14 A. Direct response.

15 Q. What do you mean by, "direct response"?

16 A. It's distributed basically via an Infomercial on TV.

17 Q. Is it available through sale through the Internet?

18 A. Via Guthy-Renker, but not through any on-lines like
19 Drugstore.com or anything like that. It's all through
20 Guthy-Renker.

21 Q. What is Guthy-Renker?

22 A. Guthy-Renker is an Infomercial production company who owns
23 and operates the Proactiv brand.

1 Q. Earlier we talked about OXY coming in a pad form, a wash
2 form, spot treatment. Are acne products offered in any
3 other type of product by competitors?

4 A. Yes.

5 Q. What would those be?

6 A. There are strips that are offered. A company like Biore
7 has strips that you can put on your nose and your T-zone,
8 which is known as the section running up your nose and
9 across your eyes; the T-zone. There are masks available.

10 Q. Anything else?

11 A. Lotions, and that's I think everything to the best of my
12 knowledge.

13 Q. Are there astringents?

14 A. Yes. Astringents. Toners. Thank you. And soaps. I
15 apologize. Bar soaps.

16 MS. LINDQUIST: Okay. Now we're going back on the Trade
17 Secret part, Tawnya.

18 MS. WOJIECHOWSKI: Okay. She's exited.

19

20 (THIS SPACE INTENTIONALLY LEFT BLANK)

21

22 ooooO0000oooo

23

1 MS. LINDQUIST: All right. Now we're going to go off the
2 confidential part of the record.

3 MS. WOJIECHOWSKI: Okay. Let me get her back in.

4 BY MS. LINDQUIST:

5 Q. Okay. Do you consider OXY to be a strong brand?

6 A. Yes.

7 Q. Had you heard of OXY prior to applying for the brand
8 manager job that you now have at Metholatum?

9 A. Yes.

10 MS. LINDQUIST: Okay. That's all I have right now.

11 MS. WOJIECHOWSKI: Okay. Can we take ten minutes? I'd like
12 to look at some documents and get a little
13 organized.

14 MS. LINDQUIST: Sure.

15 MS. WOJIECHOWSKI: Actually, let's just reconvene at fifteen
16 after. It won't take me long. We're
17 talking another thirty minutes.

18 MS. LINDQUIST: Okay. Great.

19 MS. WOJIECHOWSKI: So, quarter after.

20 MS. LINDQUIST: Okay. Thanks.

21 (Whereupon a brief recess was taken.)

22 MS. WOJIECHOWSKI: Let's go back on the record.

23

1 CROSS EXAMINATION BY MS. WOJIECHOWSKI:

2 Q. I'm looking at what I believe is your Exhibit No. 2, which
3 is the printout of the OXY Nation.com website. Up in the
4 upper right-hand corner of each page it says, "OXY Acne
5 Solutions." Are all of your products that are marketed
6 under the OXY brand considered to be part of the line of
7 acne solutions?

8 A. Yes, they currently are.

9 Q. On page 1 of 1 of the OXY Nation.com website, I believe it
10 lists the different retailers, and you said earlier that
11 the OXY products are sold at food, mass merchandise, and
12 drug stores, and you give us a list of various retail
13 outlets. Are any of your OXY branded products currently
14 sold in beauty salons?

15 A. Not to my knowledge.

16 Q. Cosmetic counters of department stores?

17 A. No.

18 Q. Health and beauty spas?

19 A. Again, not to my knowledge.

20 Q. Okay. Are any of the OXY Acne Solutions branded products
21 sold at a retail price greater than \$30?

22 A. No.

23 Q. \$20?

1 A. No.

2 Q. \$15?

3 A. No.

4 Q. Okay. Would you currently consider any of your OXY Acne
5 Solutions branded products to be anti-aging or anti-
6 wrinkle products?

7 A. No.

8 Q. I'm looking at your Exhibit 4, the Media Flowchart.

9 A. Yes.

10 Q. For each of your print ads, are they all magazines?

11 A. Yes.

12 Q. What demographics are each of these magazines targeting?

13 A. Boys twelve to eighteen years of age.

14 Q. Turning on to Exhibit 10, which is the press release dated
15 August 4, 2005. I'm looking at the last paragraph on the
16 first page. There's a quote there. Is that you?

17 A. Can you repeat that, which quote you're looking at?

18 Q. At the bottom of page 1 of Exhibit 10, there's a quotation
19 by Todd Cantrell.

20 A. (Examining) Yes.

21 Q. Is that you?

22 A. Yes.

23 Q. And is your quote there true?

1 A. Yes.

2 Q. So you position your OXY products to appeal to the active
3 teen?

4 A. Yes.

5 Q. And likewise, on Exhibit 5; Exhibit 5 is made up of a
6 couple of documents, but it says, "OXY Kicks Off
7 Re-Branding" and then there's a third page that says, "OXY
8 beads become viral hit." And again, the last sentence, is
9 that a quote by you?

10 A. (Examining) Yes.

11 Q. So your intention is to make the OXY products an
12 acceptable part of daily teen living?

13 A. Yes.

14 Q. I believe you earlier listed the products that you believe
15 to be competitive to your OXY branded Acne Solutions
16 products, those being Clearasil and a couple of other
17 brands. Are those brands primarily found in the same
18 location within the mass market retailers and drug stores?

19 A. Yes.

20 Q. I'm going to give you a list of brands that I would like
21 to ask you whether or not you consider to be competitive
22 to the OXY Acne Solutions products. Sephora,
23 S-e-p-h-o-r-a?

1 A. No.

2 Q. Fusion, F-u-s-i-o-n?

3 A. No.

4 Q. Obaji, O-b-a-j-i?

5 A. (No response).

6 Q. I'm sorry. I didn't hear an answer.

7 A. I'm thinking about that one. It's Obaji, right?

8 Q. That's correct. I said it wrong.

9 A. No.

10 Q. Lamer, L-a-m-e-r?

11 A. No.

12 Q. Does Mentholatum own any marks that spell the word O-X-Y
13 in the form of O-x-i?

14 A. Not to my knowledge.

15 Q. Okay. In your opinion as the brand -- I'm sorry. What's
16 your position again? I didn't catch it the first time.

17 A. Brand manager.

18 Q. -- brand manager for the OXY branded Acne Solutions line
19 of products, would the mark O-X-I-V-I-T-A-L, would you
20 consider that to be confusingly similar to your O-X-Y
21 branded products?

22 MS. LINDQUIST: Objection. You're asking for a legal
23 conclusion.

1 MS. WOJIECHOWSKI: You can answer.

2 THE WITNESS: (No response).

3 MS. LINDQUIST: I think you need to restate the question.
4 You haven't established that he can answer
5 a question based on --

6 MS. WOJIECHOWSKI: He's the brand manager worldwide for the
7 OXY branded Acne Solutions products. That
8 gives him sufficient authority and
9 foundation upon which to make a judgment of
10 whether or not there is a likelihood of
11 confusion between the mark OXIVITAL and the
12 mark O-X-Y.

13 MS. LINDQUIST: The TTAB and the Federal Circuit has said
14 that likelihood of confusion is a legal
15 issue.

16 MS. WOJIECHOWSKI: Okay. Would you have a problem with it
17 from a marketing perspective?

18 MS. LINDQUIST: If you want to ask him as marketing
19 director, I have no problem with that. But
20 likelihood of confusion is a well
21 established, in every court, legal issue.

22 MS. WOJIECHOWSKI: I understand that. That's why I'm asking
23 him from a marketing perspective, would he

1 have a problem with it.

2 MS. LINDQUIST: So can you rephrase the question?

3 MS. WOJIECHOWSKI: Yes.

4 BY MS. WOJIECHOWSKI:

5 Q. Would you have any objection to another company's use of
6 the mark OXIVITAL, O-X-I-V-I-T-A-L, for skin preparation
7 products?

8 MS. LINDQUIST: Based on your position as marketing brand
9 manager for OXY.

10 THE WITNESS: Yes.

11 MS. WOJIECHOWSKI: Was that a, "Yes"?

12 THE WITNESS: Yes.

13 BY MS. WOJIECHOWSKI:

14 Q. In your position as the marketing manager for OXY branded
15 Acne Solutions products, would you consider that product
16 line to be luxury goods?

17 A. No.

18 Q. Would you consider those to be marketed to a high-end
19 consumer?

20 A. Can you define, "high-end"?

21 Q. Luxury goods market.

22 A. What's household income?

23 Q. I'll rephrase the question. Do you know what the term

1 O-X-Y stands for?

2 A. Yes.

3 Q. What is that?

4 A. Oxygenation.

5 Q. I believe you said earlier that one of the active
6 ingredients in some of the OXY branded products is benzoyl
7 peroxide, is that correct?

8 A. Yes.

9 Q. And that the other active ingredient is some sort of acid?
10 Would you tell me that again?

11 A. Yes, it's salicylic acid.

12 Q. Do you know the function of those two active ingredients?

13 A. Yes.

14 Q. What is that function?

15 A. To kill, or I guess prohibit, the growth of P-acnes.

16 Q. Again, this is for acne treatment?

17 A. Yes. And salicylic acid essentially acts as an exfoliator
18 to help scrub off skin cells.

19 MS. WOJIECHOWSKI: Okay. I think that will do it.

20 MS. LINDQUIST: I just have a couple of follow-up things.

21

22 RE-DIRECT EXAMINATION BY MS. LINDQUIST:

23 Q. Were you involved in the selection of the OXY mark

1 whenever it was first selected for acne care products?

2 A. No.

3 Q. Do you ever use the OXY mark alone without the tag line,
4 "Acne Solutions"?

5 A. Yes.

6 Q. Can you identify what's been marked as Exhibit 2;
7 examples? You only have to provide examples. You don't
8 need to show us every instance.

9 A. We actually on pack, on all of our packages, it's just
10 known as OXY, and on our sponsorship for Dave Mirra, his
11 helmet also just says OXY.

12 MS. LINDQUIST: Okay. I think that's it.

13 MS. WOJIECHOWSKI: Great. Thank you very much.

14

15

16 (WITNESS EXCUSED)

17

18

19 (WHEREUPON THE PROCEEDINGS IN THE ABOVE
20 ENTITLED MATTER WERE CONCLUDED.)

21

22

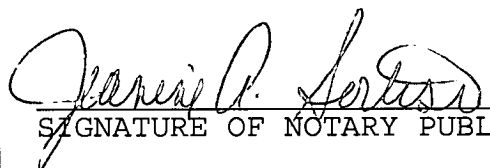
23

WITNESS SIGNATURE CERTIFICATION

I, TODD S. CANTRELL, the witness whose testimony appears hereinbefore, do hereby certify and sign my name saying that I have read my foregoing testimony of the official transcript of proceedings in this action, and that I agree with the content and accuracy of said testimony.

IN WITNESS WHEREOF, I have hereunto subscribed my name.


SIGNATURE OF WITNESS


SIGNATURE OF NOTARY PUBLIC

JEANINE A. SORTISIO
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
COMMISSION EXPIRES MAY 28, 2010

11/17/2006
DAY MONTH YEAR

oooo00000oooo

1 STATE OF NEW YORK)
2 : SS.
3 COUNTY OF ERIE)

4 I WISH TO MAKE THE FOLLOWING CHANGES, FOR THE FOLLOWING
5 REASONS:

6 PAGE LINE CHANGE: _____

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12 CHANGE: _____

13 REASON: _____

14 CHANGE: _____

15 REASON: _____

16 CHANGE: _____

17 REASON: _____

18 (WITNESS SIGNATURE) _____

19 SUBSCRIBED AND SWORN TO BEFORE ME THIS

20 _____ DAY OF _____, 19____.

21 _____

22 _____

23 NOTARY PUBLIC

1 STATE OF NEW YORK)
2 COUNTY OF ERIE) : ss. CERTIFICATION and AFFIDAVIT

3
4 I, JOHN A. VILLAFRANCA, a Notary Public in and for the
5 State of New York do hereby certify:

6 That the transcript appearing hereinbefore was taken
7 pursuant to notice at the time and place as herein set forth;
8 that said transcript was stenographically recorded through
9 machine shorthand by me and thereafter computer transcribed
10 into laser printing.

11 I HEREBY CERTIFY, that the foregoing transcript is a
12 full, true and correct transcription of my machine shorthand
13 notes so taken.

14 I FURTHER CERTIFY, that I am neither counsel for, nor
15 related to any party to said action, nor in anywise interested
16 in the outcome thereof.

17 IN WITNESS WHEREOF, I have hereunto subscribed my name
18 and affixed my stamp this 23rd day of October, 2006.

19 JOHN A. VILLAFRANCA & ASSOCIATES
20 Suite 953 Ellicott Square Building
21 295 Main Street
22 Buffalo, New York 14203
23 Telephone (716) 853-2878

22 JOHN A. VILLAFRANCA
23 Notary Public, State of New York
Qualified in Erie County
My Commission Expires: 7/31/2010

BY: John A. Villafanca
JOHN A. VILLAFRANCA, CSR

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

THE MENTHOLATUM COMPANY,

Opposer,

v.

THEROX, INC.

Applicant.

Opposition No.: 91/160,810

OPPOSER'S AMENDED NOTICE OF TAKING TESTIMONY DEPOSITION

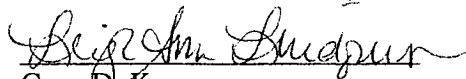
Opposer hereby notices that it will take the testimony deposition upon oral examination of Todd Cantrell, on October 19, 2006 commencing at 10:00 a.m. The testimony deposition is being taken pursuant to Trademark Rule 2.123 and will be taken at the offices of The Mentholatum Co., Inc., 707 Sterling Drive, Orchard Park, NY 14127. Opposer's deposition will be taken before a certified court reporter or other person authorized to administer oaths.

You are invited to attend for purposes of cross examination.

Respectfully submitted,

THE MENTHOLATUM COMPANY

By:


Gary D. Krugman
Leigh Ann Lindquist
Attorneys for Opposer
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037
Tele: (202) 293-7060

Date: October 17, 2006

cc: Richard A. Sharpe, Esq.



#1 for ID
10/19/06

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BECAUSE OF HER.

Why check out the "Support Your Jock" Giveaway from OXY and MTV? Because you could win cool daily prizes like iPods, video games, and maybe even a \$25,000 makeover for your high school's athletic program.

So get in the game. Because if you can't do it twice a day, what good are you?



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TO REPLAY
THE VIDEO

DEPOSITION
EXHIBIT

#2 for ID
10/19/06

OXY ACNE SOLUTIONS FOR GUYS
BECAUSE THE OBJECT OF THE GAME IS TO SCORE.



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PRODUCTS



OXY ENTERTAINS



QUESTIONS?



MIRRA BLOG



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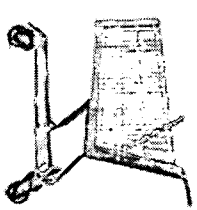


HOME PRODUCTS OXY ENTERPRISES CLEANSING TREATMENT



OXY
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We all do stupid things. When it's around the guys, who cares? But when you wipe out in front of the girls, you're not laughing as hard. No matter how red your face gets, you can always keep your acne in check. OXY® is the #1 pharmacist recommended over-the-counter acne treatment, which means it'll help keep your skin healthy and smooth, even when you're not. So grab the ladies' attention by doing something right. Check out these OXY® products.



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HOME PRODUCTS OXY ENTRENCHES CLEANSING PADS



NEW PRODUCTS CLEANSING PADS SPOT TREATMENTS OXY SCRUBS

SCRUBS

The power to change your face

Here are two new ways to kick acne flat on its face. These powerful formulas open pores and let out acne-causing oils, leaving your skin feeling smooth and invigorated.

OXY® MAXIMUM FACE SCRUB

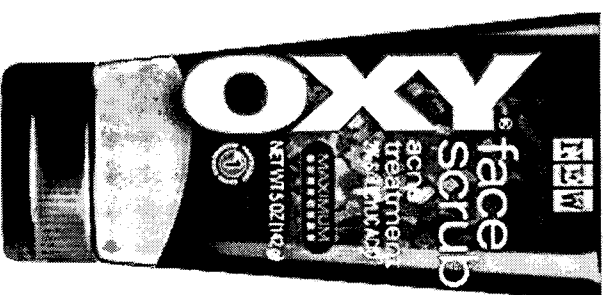
Put your game face on

Clear the stage for the ultimate match against acne by using new OXY® Maximum Face Scrub. The fighting power of salicylic acid releases acne-causing sebum so your pores won't clog. For you, that means hitting acne before it hits your face. Use every day and reward yourself with some extra confidence. Because with OXY® Maximum Face Scrub, your acne doesn't stand a chance.

OXY® CHILL FACTOR™ FACE SCRUB

Cool because acne isn't

Wake up your face and destroy acne simultaneously in one icy blast. Use new OXY® Chill Factor™ Face Scrub every day to keep your face clean, refreshed and acne free. The menthol formula cools your face, while the fresh masculine scent appeals to the ladies. The intense acne-fighting salicylic acid removes dead skin cells so pores won't clog.



OXY® MAXIMUM FACE SCRUB

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HOME PRODUCTS OXY EXFOLIANTS QUESTION: 10/11/06



NEW PRODUCTS OXY EXFOLIANTS NEW! SPOT TREATMENTS WASHES WIPES TO GO

SCRUBS

The power to change your face

Here are two new ways to kick acne flat on its face. These powerful formulas open pores and let out acne-causing oils, leaving your skin feeling smooth and invigorated.

OXY[®] MAXIMUM FACE SCRUB

Put your game face on

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OXY[®] CHILL FACTOR[™] FACE SCRUB

Cool because acne isn't

Wake up your face and destroy acne simultaneously in one icy blast. Use new OXY[®] Chill Factor[™] Face Scrub every day to keep your face clean, refreshed and acne free. The menthol formula cools your face, while the fresh masculine scent appeals to the ladies. The intense acne-fighting salicylic acid removes dead skin cells so pores won't clog.



OXY[®] CHILL FACTOR[™] FACE SCRUB

NEW PRODUCTS OXY CLEANSING PADS



NEW PRODUCTS CLEANSING PADS SPOT TREATMENTS WASHES MAKE UP REMOVER

Daily Cleansing Pads

OXY[®] Maximum Daily Cleansing Pads
Eliminate acne with a single swipe

OK guys, you've done it again. You were up too late playing PSP and overslept. Now Mom's screaming and your friends are in the driveway blowing up your cell. Let's face it—you have more on your mind than acne. In less time than it takes you to stumble into a pair of jeans, you can fight acne with OXY[®] Maximum Daily Cleansing Pads. Just grab a pad on your way out the door, give your face a good wipe and let the medicine take over. How easy is that?

The OXY[®] patented formula delivers the medication beneath the skin's surface where acne starts—removing dirt, oil and bacteria—without drying your skin. This long-lasting formula continues to fight pimples between washings with 2% salicylic acid. So with regular use, your acne can become a thing of the past.

OXY[®] Chill Factor[™] Daily Cleansing Pads
Love the smooth complexion, but ready to mix it up a bit? We've got the answer. Introducing OXY[®] Chill Factor[™] Daily Cleansing Pads with the strength of the MAXIMUM, but a refreshingly cool finish and great smell. This time we've concocted a Mobotov cocktail of salicylic acid and menthol to OXYCUTE[™], but leave your face feeling cool and smelling great at the same time! So, chill guys. You've earned it.



OXY[®] Chill Factor[™] Daily Cleansing Pads

HOME PRODUCTS OXY ENTERPRISES QUESTION ANSWER



NEW PRODUCTS CLEANSING PADS SPOT TREATMENTS WASHES MAKEUP REMOVER

Pads. Just grab a pad on your way out the door, give your face a good wipe and let the medicine take over. How easy is that?

The OXY[®] patented formula delivers the medication beneath the skin's surface where acne starts—removing dirt, oil and bacteria—without drying your skin. This long-lasting formula continues to fight pimples between washings with 2% salicylic acid. So with regular use, your acne can become a thing of the past.

OXY[®] Chill Factor™ Daily Cleansing Pads

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OXY[®] Focus: Blackheads™ Cleansing Pads Blackout your blackheads

They may be small, but they aren't insignificant. Think "big black hole", except it can be reversed before your blackheads get too deep. With Focus: Blackheads™ Cleansing Pads, it's never been easier to destroy them. The salicylic acid digs deep to remove bacteria and unclog pores, all without drying your skin.



OXY[®] Chill Factor™ Daily Cleansing Pads

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NEW PRODUCTS BLENDING PADS SPOT TREATMENTS WASHES CLEANSER

Spot Treatments

Stop! Before you pop...

Pull back, guys. Although the temptation to pop your new zit can be strong, try to resist. Reach for OXY[®] Spot Treatment and let the benzoyl peroxide and moisturizing agents take over and restore your complexion back to health. Not only will OXY[®] Spot Treatment help your current acne, it'll also work to control oil buildup and prevent future outbreaks. OXY[®] Spot Treatments can treat any and all skin types. From sensitive to combination skin, choose your best weapon and watch your pimples vanish before your eyes.

OXY[®] Spot Treatments are available in three varieties:

1. **Sensitive Skin Vanishing**—treatment that vanishes on the surface of sensitive skin.
2. **Maximum Vanishing**—maximum strength treatment that vanishes on the skin's surface.
3. **Maximum Tinted**—maximum strength, flesh colored treatment to help cover up your acne while it heals. Available in both light and dark tint.



OXY[®] Spot Treatment

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NEW PRODUCTS CLEANSING PROS SPOT TREATMENTS WASHES

Washes

Behold the Power of Oxygen

OXY₂ Daily Wash

Harness the strength of oxygen in this tidal wave of acne protection. Benzoyl peroxide, coupled with the deep cleansing formula, is what makes this wash so powerful. Use daily for maximum results. This daily cleanser rushes oxygen below the skin's surface to unclog pores and kill acne-causing bacteria, leaving your skin healthy and vibrant so you can focus on the weekend.

Chill Factor™ Daily Wash

We've harnessed the power of menthol and benzoyl peroxide in this soon-to-be-legendary weapon of acne destruction. Wash daily, and let the cooling sensation of menthol and the awesome smell make you forget you're even using acne wash.



OXY₂ Daily Wash

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ACNE PRODUCTS OXY ENTRENCHES CLEANSER DAILY



NEW PRODUCTS CLEANSING PADDS SPOT TREATMENTS WASHES WETTING

Washes

Behold the Power of Oxygen

OXY₂ Daily Wash

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(OXY products are sold at food, mass merchandisc and drug stores.)

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CVS[®]
Eckerd[®]
Kmart[®]

Rite Aid[®]
Target[®]
Walgreens[®]
Wal-Mart[®]

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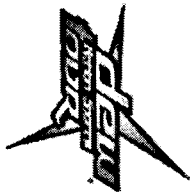
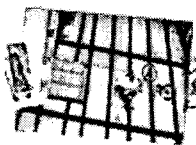
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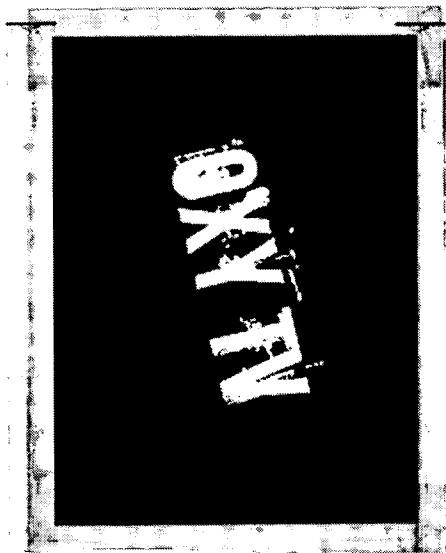
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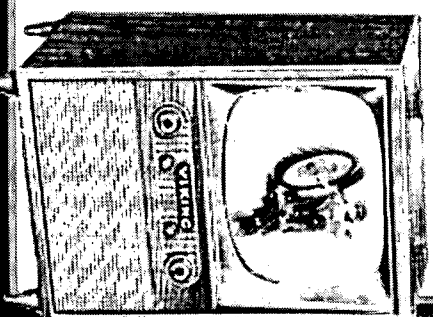


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Make sure to catch the latest OXY commercials and videos and keep yourself up to date with the latest in skin care products by OXY.

Check out what's on TV:

INTERNATIONAL SPOTS SMOOTH MOVES



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


















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






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INTERNATIONAL SPOTS

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- OXY: JAPAN GEL
- OXY: JAPAN PADS
- OXY: ASIA GEL
- OXY: ASIA WASH
- OXY: MEXICO BRANDS
- OXY: UK BRANDS

SMOOTH MOVES





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MIRRA'S BLOG



DAVE MIRRA







I'm all about keeping my game face on no matter how much pressure I'm under. I've taken a few spills in my career, but it's all about keeping my cool and having the confidence to get up and do it right. You too can keep Your cool by washing with OXY®.












Check out Dave:

VISIT DAVEMIRRA.COM







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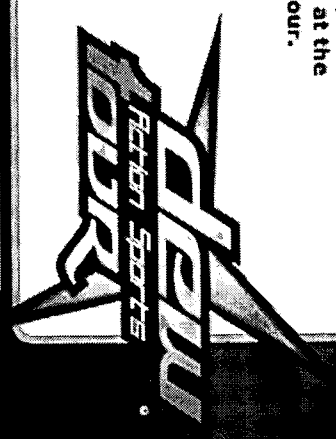


DEW ACTION SPORTS TOUR

The OXY Chill Pad is the place to be at this year's Dew Action Sports Tour. Cool down and chill out with games that are guaranteed to keep you cool all day long. Test your skills with Chill-Limbo, Twisted Twister, Brain Freeze sno-cone eating contest, dance contests, and more. Contest winners or VIP's have a chance to hang out with the Chill Pad DJ on the Chill Deck, request music, and give "shout outs" to friends. Don't miss your chance to meet Dave Mirra and chill at the "coolest" place in the Dew Tour.

Check the Tour:

EVENT SLIDE SHOW



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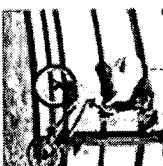
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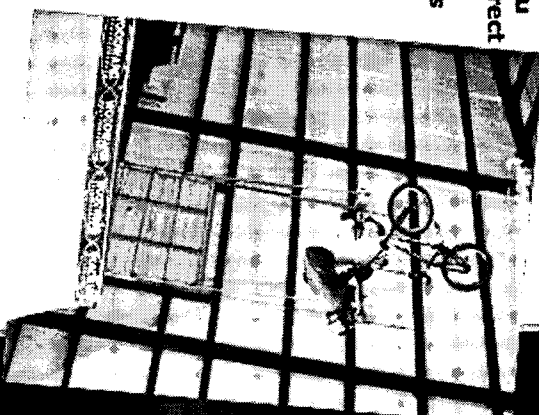


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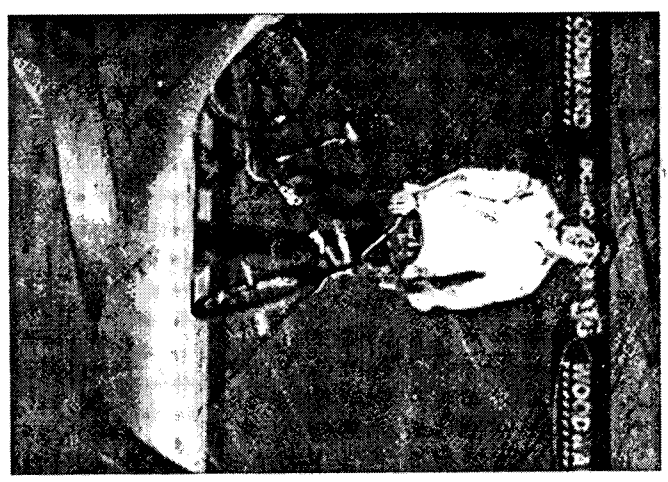
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MIRA'S BLOG

September 20

Pressures

There are three main pressure points with being a BMX rider. You feel like you're obligated in certain ways to your endorsements, you're obligated to your fans and you're definitely obligated to yourself. I don't get out there to place 8th, or to crash, so most of the pressure comes from yourself. There's a mark you need to reach. When you know you can win contests, its up to you to win them. Sometimes things happen — you ride your best and someone beats you or sometimes you crash.

Riding Big
I think the more risks you take riding the more rewards. I'm used to riding pretty big. I notice if I don't ride at the level that I've set for myself, I'm still

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- AUGUST 28
- AUGUST 14
- JULY 20
- JULY 14
- JULY 7
- JUNE 22
- JUNE 15

HOME PRODUCTS OXY NIGHTTIME QUESTIONS? CONTACT

ABOUT ACNE

Hey guys, just to let you know, that zit on your face didn't pop up overnight. It actually started forming weeks ago. That's why washing regularly—even when you don't see acne—is the best way to keep it from pestering you.

Technically this is what happens: during puberty your body starts releasing sex hormones called androgens. In acne sufferers, these hormones are over-produced and converted to dihydrotestosterone (DHT). DHT then stimulates the oil glands in your face to enlarge and produce a substance called sebum. Sebum is your skin's natural oil that keeps your skin soft and a bit waterproof. The actual pimples form when sebum and dead skin cells mix together and clog the pores of your skin.

Forgot to clean your face because you crashed on the couch? This gives time for dead skin cells to mix with sebum oils. The longer they combine in your pores, the more time for bacteria to cultivate and incubate, which eventually turns into a bigger problem—a giant zit on your face. But don't stand for it. Use OXY® regularly.



OXY
acne solutions

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POPE PROPERTS OXY-ACNEQUESTIONS? QUESTIONS?

ACNE QUESTIONS MYTHS HOW OXY-ACNEQUESTIONS?

OXY
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- 1. Poor hygiene causes acne—**Who knows where this rumor got started? The bottom line is that dirt does not cause acne. Hormones do. Over washing and overmedicating will just dry out your face and aggravate it. The best treatment for acne is to wash gently twice a day, pat it dry and apply any medication you may be taking.
- 2. Junk food clogs your pores—**Greasy food has nothing to do with your skin. Even though people may claim that some foods irritate their skin, it's on a strictly individual basis. There's no scientific data to back it up.
- 3. Stress produces pimples—**There is a tiny nugget of truth to this myth. But before you get a doctor's note to get out of your trig final, listen up. Although stress isn't a direct cause of acne, it can trigger the same hormone reactions that produce sebum—the chemical responsible for acne. However, stress, in and of itself, isn't powerful enough to cause acne.
- 4. The sun helps clear up your skin—**Not so much. Sure a great tan can help reduce the appearance of acne, but the sun does absolutely nothing to eliminate zits. In fact, skin may become extra sensitive to ultraviolet light due to some medications making light exposure risky. So rest assured, when winter returns, your pimples will too.
- 5. Popping zits is a quick fix for acne—**Popping a pimple is probably the worst thing you can do for your acne. Squeezing forces infected material deeper into the skin, and it's the easiest way to create hideous scarring. And more often than not, your pimple turns into a bloody mess much larger than the original zit.

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HOME PRODUCTS OXY ENTERPRISES QUESTIONS? CONTACT

ABOUT ACNE MYTHS HOW OXY WORKS

Acne is like a little brother. It's annoying and takes your concentration away from more important things, like sports and girls. Although it's feisty, acne can be put in its place. Using OXY[®] works because of the active ingredients. They are just that—ACTIVE—meaning they'll kick acne flat on its face before it strikes.

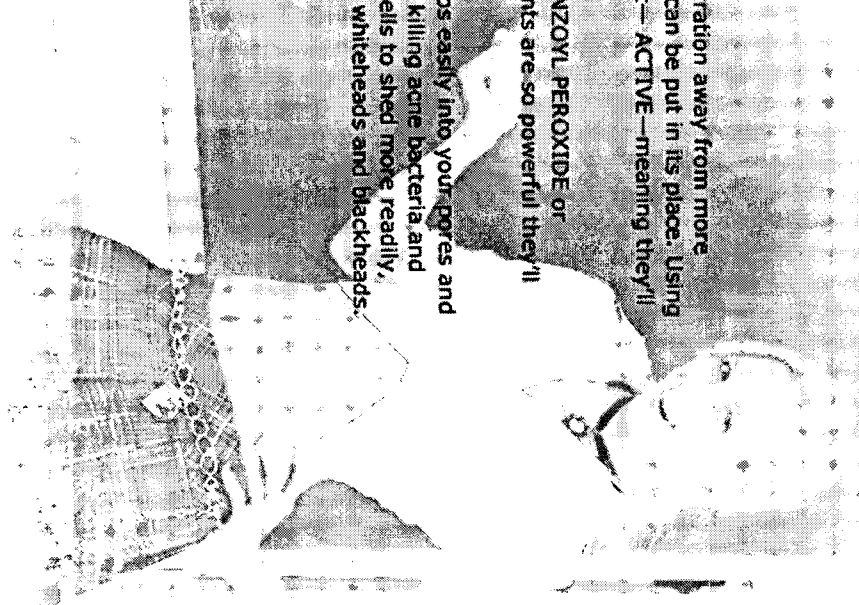
Each OXY[®] product uses one of two active ingredients, either BENZOYL PEROXIDE or SALICYLIC ACID. Either way, acne is very afraid. These ingredients are so powerful they'll reach deep into your skin destroying acne where it starts.

BENZOYL PEROXIDE treats most forms of acne because it absorbs easily into your pores and interferes with the bacteria/sebum building process. It works by killing acne bacteria and unblocking pores. SALICYLIC ACID treats acne by causing skin cells to shed more readily, which prevents pores from clogging up. It also helps breakdown whiteheads and blackheads.

OXY[®] features a patented formula that works in three ways:

1. It stays on your skin to attack acne-causing bacteria all day long.
2. It kills 99% of bacteria responsible for outbreaks.
3. It uses a time-release formula, which protects your skin from harsh stinging and irritation.

OXY
acne solutions



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[OXY](#)

ACNE PRODUCTS OXY NATION QUESTIONS? (Page 1)

ABOUT ACNE: WHY DOES ACNE OXY WORKS TIPS TO COMBAT ACNE

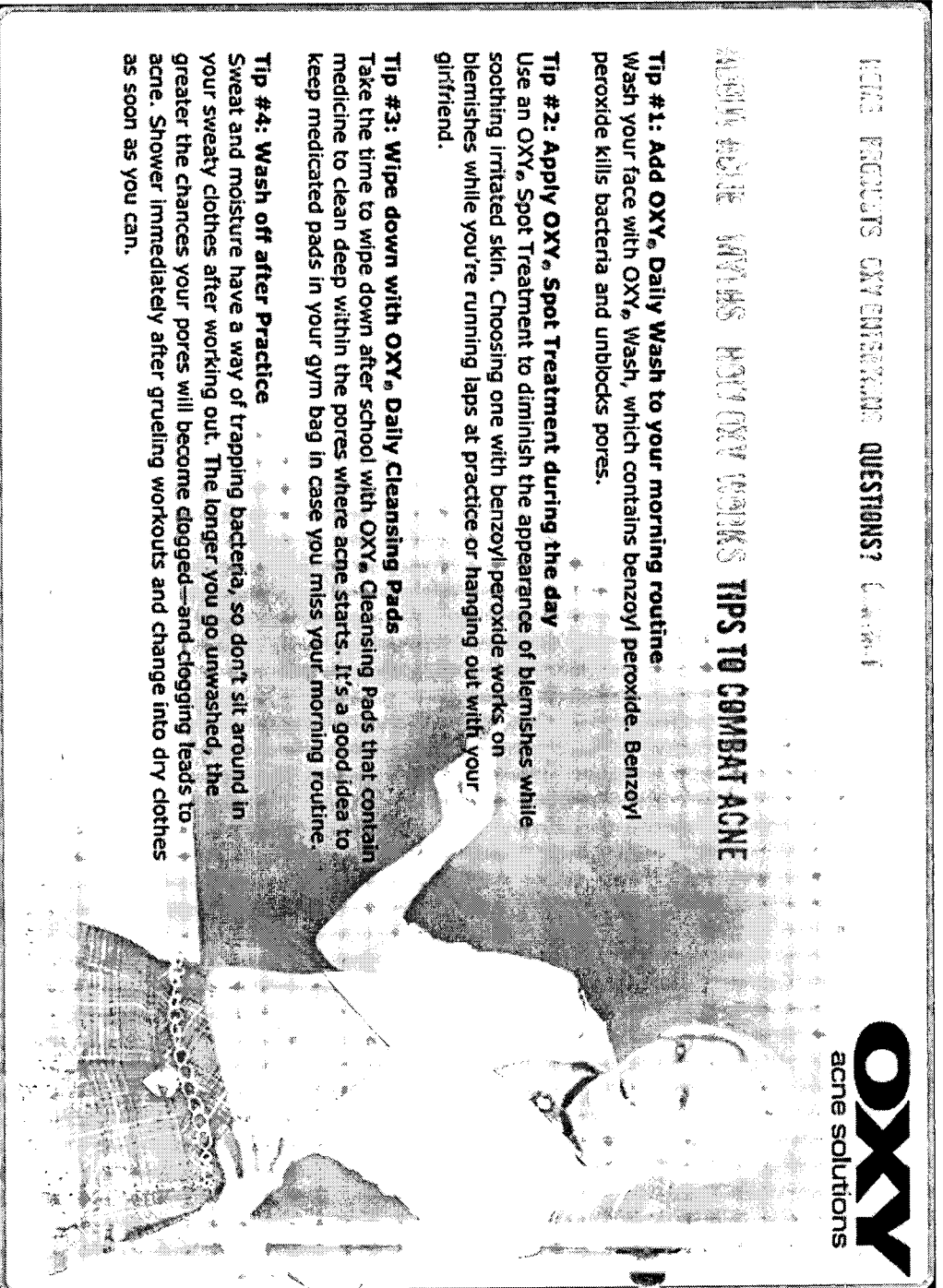
OXY
acne solutions

Tip #1: Add OXY. Daily Wash to your morning routine.
Wash your face with OXY. Wash, which contains benzoyl peroxide. Benzoyl peroxide kills bacteria and unblocks pores.

Tip #2: Apply OXY. Spot Treatment during the day
Use an OXY. Spot Treatment to diminish the appearance of blemishes while soothing irritated skin. Choosing one with benzoyl peroxide works on blemishes while you're running laps at practice or hanging out with your girlfriend.

Tip #3: Wipe down with OXY. Daily Cleansing Pads
Take the time to wipe down after school with OXY. Cleansing Pads that contain medicine to clean deep within the pores where acne starts. It's a good idea to keep medicated pads in your gym bag in case you miss your morning routine.

Tip #4: Wash off after Practice
Sweat and moisture have a way of trapping bacteria, so don't sit around in your sweaty clothes after working out. The longer you go unwashed, the greater the chances your pores will become clogged—and clogging leads to acne. Shower immediately after grueling workouts and change into dry clothes as soon as you can.



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HOME PRODUCTS OXY ENTERPRISE QUESTIONS CONTACT



REGISTRATION INFORMATION

FIRST NAME:

LAST NAME:

WHAT IS YOUR GENDER:

☐ MALE ☐ FEMALE

EMAIL:

COMMENTS:

ADDRESS 1:

ADDRESS 2:

CITY:

STATE:

Select your State

ZIP CODE:

PHONE:

CONTACT:

Method of Contact

* Free coupon promotion ended May 23, 2006.*

CONTACT INFORMATION

The Mentholum Company, Inc.
707 Sterling Drive
Orchard Park, New York 14127-1587
Phone: 1.800.688.7660

SUBMIT

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MENTHOLATUM OXY ENTERTAINMENT PROGRAMS 10/13/2006



Stay up-to-date with the latest news from OXY®.
Click the links below to view recent articles.

New Three Year Deal Includes More Involvement with Brand

2006

- OXY and Dave Mirra—March 2006
- OXY and Television—March 2006
- OXY and the Dew Tour—May 2006
- OXY and the Denver YMCA—July 2006

EAST AURORA, NY --- The Mentholatum Company, Inc. announced that it has extended its contract with action sports star Dave Mirra as national spokesperson for the OXY® Acne Solutions skin care line.

The new three year deal strengthens OXY's positioning as the premier product line for active teenage boys. Mirra has a strong connection with the target audience, with his long-term dominance of action sports and his role in recent years as host of "Real World/Road Rules Inferno I & II" on MTV.

Last year Mirra was featured on an integrated television and print advertising campaign for OXY. The new deal includes prominent logo recognition on Mirra's helmet, additional appearances for retail and consumer activation, and a new television campaign, which will debut on MTV2, Fuel, and Comedy Central later this month.

"Dave Mirra's image and personality align well with our product and make the relationship a natural fit," said OXY Marketing Manager Todd Cantrell. "We look forward to building on this past year's success for years

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Stay up-to-date with the latest news from OXY®.
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2006

- OXY and Dave Mirra—March 2006
- OXY and Television—March 2006
- OXY and the Dew Tour—May 2006
- OXY and the Denver YMCA—July 2006

Athlete Dave Mirra introduces new "Chill Factor" product line

ORCHARD PARK, NY—The Mentholatum Company, Inc. announced it is kicking off a campaign for their new OXY "Chill Factor" product line through multiple television commercials. Action sports star Dave Mirra, the national spokesperson for the OXY Acne Solutions skin care line, is featured in the new campaign. OXY recently signed Mirra to a three-year contract extension.

"We are dedicated to making the fight against acne an acceptable part of daily teen living," said OXY Marketing Manager Todd Cantrell. "Through the new campaign we want to point out that using the "Chill Factor" products can make your face crisp, clean, cool and refreshed."

The new television commercials focus on the fact that it's not easy to be as cool as Mirra but OXY "Chill Factor" can help you get there. Each commercial concludes with Mirra stating, "New OXY Chill Factor. Cool. Cause acne isn't." The spots are currently debuting on MTV2, Fuel and Comedy Central. The campaign as a whole centers on staying cool and refreshed when situations may become hot.

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Stay up-to-date with the latest news from OXY®.
Click the links below to view recent articles.

2006

- OXY and Dave Mirra—March 2006
- OXY and Television—March 2006
- OXY and the Dew Tour—May 2006
- OXY and the Denver YMCA—July 2006

Mobile Display is modeled after new "Chill Factor" Products

ORCHARD PARK, NY – OXY Acne Solutions announced its plans to top last year's OXY Party Pad performance at the Dew Action Sports Tour with its new cool and refreshing OXY "Chill" Pad. This will be OXY's second year of involvement with the popular tour.

The OXY Chill Pad features a mixture of entertainment options and branding elements, making it one of the biggest hits of the Dew Action Sports Tour- a five-city tour of professional skateboarding, BMX, and freestyle motocross. The Dew Action Sports Tour runs from late June through mid-October, hitting markets such as Louisville, Denver, Portland, San Jose, and Orlando.

The two story structure will harness the look of OXY Chill Factor, a new product line from OXY. The OXY Chill Pad includes an upper "Chill" deck where a professional club DJ will spin the latest in alternative and hip-hop music. The Chill Deck also features cool air jets, which not only keep the kids cool in the summer heat, but also signify the cooling sensation felt when applying OXY Chill Factor to one's face.

The ground floor of the OXY Chill Pad is reserved for

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2006

- OXY and Dave Mirra—March 2006
- OXY and Television—March 2006
- OXY and the Dew Tour—May 2006
- OXY and the Denver YMCA—July 2006

Mobile Display is modeled after new "Chill Factor" Products

Orchard Park, NY, July 10, 2006 -- Eighty Denver summer campers will enjoy the thrill of attending The Dew Action Sports Tour Right Guard Open, courtesy of OXY Acne Solutions and the YMCA of Metropolitan Denver on Friday, July 14. The event will be held at the Pepsi Center at 1000 Chopper Circle. The day trip for YMCA summer campers includes 80 free tickets to the event, transportation, and free OXY merchandise.

The Dew Action Sports Tour was established in 2005 to raise awareness of action sports and to provide an opportunity for rising athletes on a national stage. The tour features competitions in Skateboarding, BMX, and Motocross, as well as live music performances. In addition to Denver, the Dew Tour will thrill audiences this summer and fall in Louisville, Portland, San Jose, and Orlando.

If any members of the media would like to meet with representatives from either OXY, the Denver YMCA, or the Dew Action Sports Tour, please contact Mitch Minsky at (716) 574-0595. He will be on site at the Pepsi Center on Friday, July 14th.

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Attn: Department 46 Managers

OXY product is driving sales in the Acne category! The combination of great new packaging and great new product has created almost a 40% increase year to date.

To continue this trend, we need your help in making a modular change. Representatives from National In-Store Merchandising will be in stores from April 17th – April 28th 2006 working on behalf of The Mentholatum Co., Inc. (OXY Acne Solutions). During these store visits they will be pulling OXY Standard 90 ct Pads (formerly OXY Sensitive) item #4650656 and with your help preparing product for recall. In place of OXY Standard Pads, representatives working with your help will place OXY Chill Factor Wash tags (item # 4661220). The representatives will also be placing OXY Tinted Lotion (where applicable) item #4650572 for recall and placing tags for OXY Chill Factor Pads (#4661227). THIS SWAP IS TO BE PERFORMED WHETHER PRODUCT IS IN BLACK PACKAGING OR WHITE PACKAGING. The Mentholatum Co will provide 100% credit for returned product as well as fund the expense of this return. Please direct any questions to Brian Rola from Mentholatum at the phone number/email below.

Brian Rola
Wal★Mart Account Manager
The Mentholatum Company
(800) 688 – 7660 x1573
Cell (716) 866 - 8128
rola@mentholatum.com

Thank You for your attention to this matter.

Sincerely,

Debra Warner
Buyer Department 46 - skincare



OXY Sensitive 90 Ct
WM #4650656



OXY Chill Factor Wash
WM #4661220



Oxy - 2005 Media Flowchart

Campaign Duration - June to December 2005
Last update 7/13/2005

REDACTED

	June					July					August					September					October					November					December				
	5	12	19	26		3	10	17	24	31	7	14	21	28		4	11	18	25		2	9	16	23	30		6	13	20	27		4	11	18	25
DEW TOUR Louisville Denver Portland San Jose Orlando																																			
PRINT*																																			
Sports Illustrated for Kids																																			
Transworld - Ride BMX																																			
Transworld - Skateboarding																																			
Transworld - MotoCross																																			
MAID Magazine																																			
DC Comics																																			
Future Skateboarding Buyers Guide																																			
Future Snowboarding																																			
FSI News America																																			
Television* NBC - Dew Tour USA - Dew Tour MTV																																			
MTV 2																																			
Comedy Central																																			
TOTAL																																			

*Flighting for TV is as follows:

Dew Tour (NBC & USA) Mirra exclusively
MTV through 8/1, Mirra exclusively
MTV/Comedy rotate Water Skiing and Mirra 50/50 through 8/14
MTV/Comedy rotate Water Skiing and Cafeteria 50/50 - 8/15 to 9/11

DEPOSITION
EXHIBIT

#4 for ID
10/19/06

OPP00019



#5 for 10
10/19/06



FOR IMMEDIATE RELEASE

OXY KICKS OFF RE-BRANDING WITH ``OXY PARTY PAD``

Mobile Display, ``Oxy Beads`` are Dew Action Sports Tour Highlights

ORCHARD PARK, NY - When the Mentholatum Company purchased the Oxy Acne Solutions line in early 2005, a key element in the Oxy re-branding efforts was the development of the Oxy Party Pad - a two-story event marketing structure which set out on a five-city tour of the United States. A photo accompanies this release.

The Oxy Party Pad features a mixture of entertainment options and branding elements, making it one of the biggest hits of the Dew Action Sports Tour - a five-city tour of professional skateboarding, BMX biking, and freestyle motocross. The Dew Action Sports Tour runs from early June through mid-October and - in the end - will have stopped in Louisville, Denver, Portland, San Jose, and Orlando.

Some of the unique structural features of the Oxy Party Pad include an upper ``party`` deck where DJ Amara, a veteran of the LA club scene, spins the latest in alternative and hip-hop music. Hourly contest winners come to the party deck to chill out underneath the sky-blue canopy, request their favorite music, and win prizes. On the ground level, a photo capture program takes pictures of kids, transposing them onto popular extreme sports magazine covers using ``green screen`` technology.

Additionally, the ground level features cool air jets, which not only keep the kids cool in the summer heat, but also signify the cooling sensation felt when applying an Oxy pad to one's face. The ground floor of the Oxy Party Pad is typically reserved for games such as ``air guitar`` contests, dance contests, trivia games, and ``Twisted Twister`` - an oversized version of the popular game.

Oxy currently has a promotional agreement with BMX superstar Dave Mirra and one of the ways the Oxy Party Pad leverages this relationship is via the distribution of Dave Mirra ``Hero Cards.`` These cards feature a photo on the front of Dave Mirra with his Haro Bike, and on the backside feature his career statistics and a



perforated coupon for \$1.00 off a future purchase of Oxy Acne medication.

- more -



Oxy Beads become viral hit

More so than any other element of the display, the item which has become a phenomenon among Dew Action Sports Tour attendees are Oxy Beads. These Mardi-Gras style beads have become a signature of the Oxy Party Pad. Attendees receive beads for interacting with the Oxy Party Pad in any fashion. The beads feature the Dew Action Sports Tour logo on one side, and the Oxy Acne Solutions logo on the opposite side. A photo Portland attendees displaying their Oxy Beads accompanies this release.

"It's encouraging to hear hundreds of kids chanting 'we love Oxy!'" says Oxy Marketing Manager Todd Cantrell. "The Oxy Party Pad is an important step in the evolution of the Oxy brand. We are not in the business of making acne medication cool, but rather in making it an acceptable part of daily teen living."

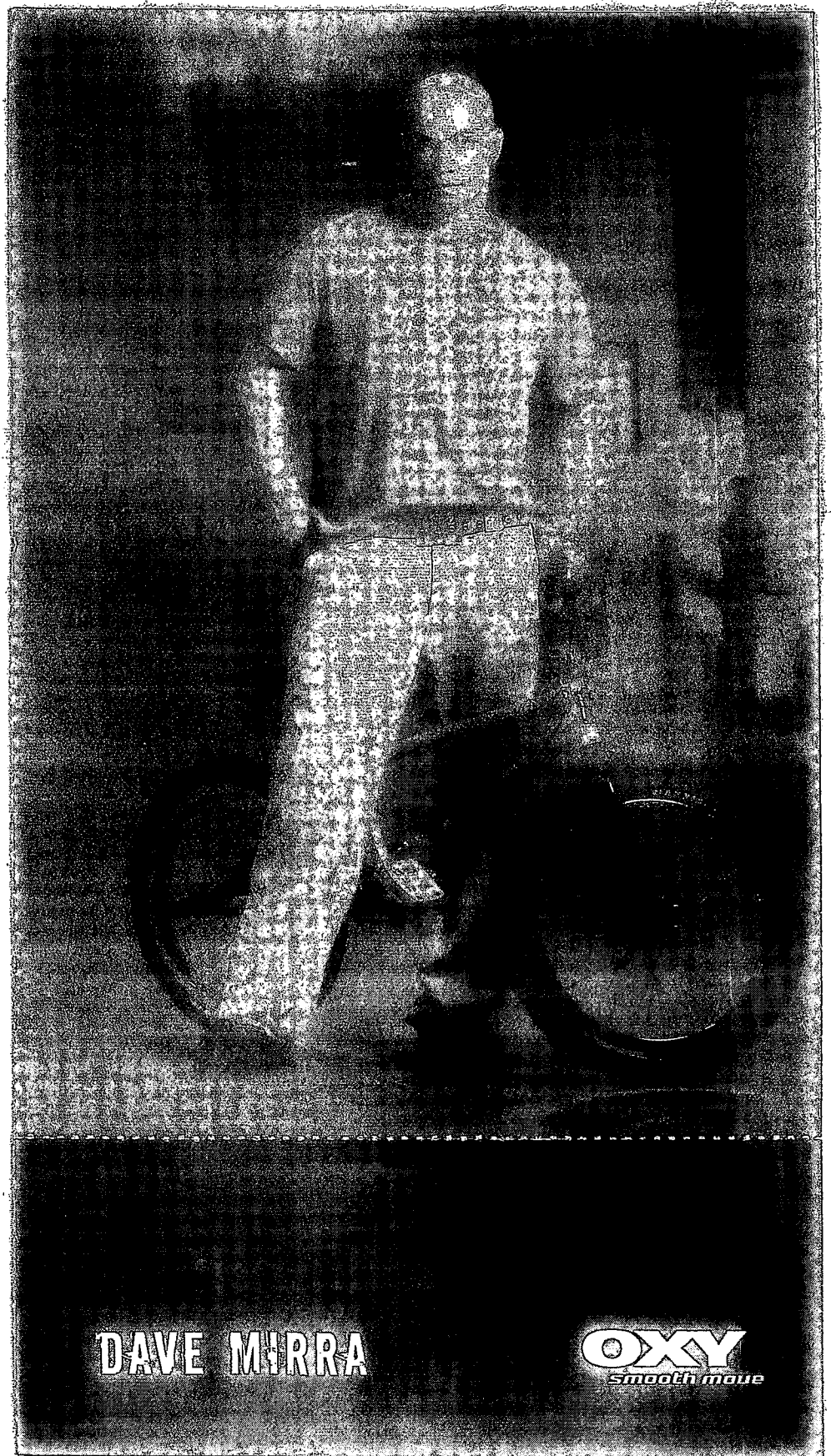
About Mentholatum

Mentholatum World and US Division Headquarters are in Orchard Park, New York, with divisions in Australia, South Africa, Canada, Scotland, Taiwan, Hong Kong, South Korea, Mexico, Malaysia, Thailand, and China. Manufacturing is performed in 5 locations around the globe and products are marketed and sold in over 130 countries. Oxy is represented by Cenergy Communications

Contact Information

OXY® Acne Solutions
Todd Cantrell
716-677-2500
Cantrell@mentholatum.com

Cenergy Communications
John Cimperman
716.652.6701, ext. 17
john@cenergysports.com



DAVE MIRRA

OXY
Smooth Move



DAVE MIRRA

VITAL STATS:

Birth date: April 4, 1974

Height: 5'8"

Weight: 158

Hometown: Greenville, NC

Years Pro: 15

Fun Fact: Mirra has won the most X Games Gold Medals of any X Games athlete (12 Gold)

CAREER HIGHLIGHTS:

Freestyler of the Year, BMX Plus - April 2005

Gold Medal - X Games, Bike Street - 2004

Gold Medal - X Games, Bike Vert - 2004

NORA Cup Ramp Rider of the Year - 2003

Gold Medal - Gravity Games, Street - 2003

Gold Medal - Gravity Games, Vert - 2003

Silver Medal - X Games, Vert - 2003

Bronze Medal - X Games, Street - 2003

Gold Medal - Global X Games, Street - 2003

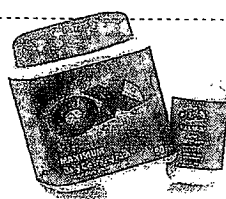
Bronze Medal - Global X Games, Vert - 2003

NORA Cup Ramp Rider of the Year - 2002

OXYNATION.COM

OXY
smooth move

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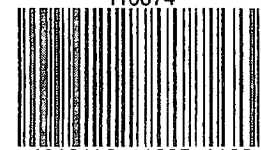
SAVE
\$1.00
On any Oxy® Product

110074



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10742 50076



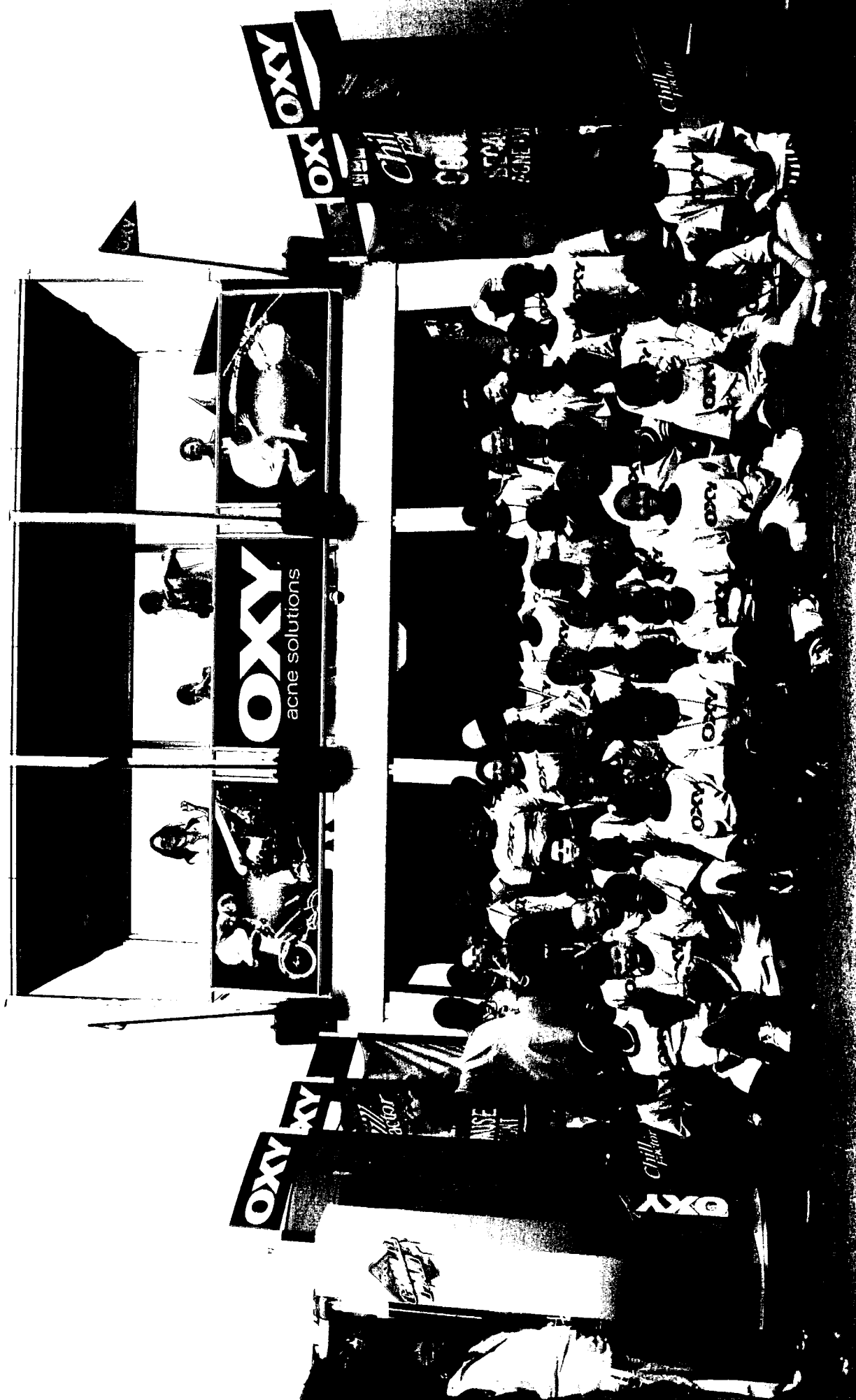
3

(8101)0 11007 1105

Consumer: Limit one coupon per purchase. Coupon may not be mechanically reproduced. Dealer: We reimburse "Face Value of Coupon" plus 8 cents handling when properly redeemed on any Oxy® product. Any other application of this coupon constitutes fraud. Invoices proving purchase of sufficient stock to cover coupons presented for redemption must be shown upon request. Redemption through outside agencies, brokers, etc., will not be honored except where specifically authorized by us in writing. Consumer pays sales tax. Void where prohibited, taxed or restricted by law. Good only in U.S.A. Cash value 1/100 of 1 cent. Send to The Mentholatum Company, Inc. P.O. Box 680096, El Paso, TX 79968-0096. Expires 11/30/05

Simple and effective, OXY is one of the best moves you can make to help keep your face fresh, clean, and acne-free.

OPP00012



#6 for 1D
10/19/06

Athletes only part of draw

Which has more appeal to fans: Ryan Sheckler or 'free stuff'?

BY WILL OREMUS
THE OREGONIAN

While Ryan Nyquist pulled sick tailwhips in the BMX Park prelims, a sea of frenzied teenagers jumped and screamed. Not for him — for OXY beads.

Sure, Nyquist, a BMX icon and winner of his event, drew plenty of attention from the predominantly adolescent extreme-sports crowd. But the wildest cheers at the Rose Quarter on Saturday might have come from the OXY Acne Solutions booth, where marketers tossed beads from a Mardi Gras-style balcony whenever the shrieks reached a critical volume.

Any teen will tell you: At the Dew Action Sports Tour, Ollies, tailwhips and big air are only half the show — if that. The sports get people in the gate, but once there, spectators such as Jordan Mitchell of Cornelius aren't content to sit back and watch.

Mitchell, 15, started his day cruising the grounds, collecting freebies: posters, deodorant and a good 20 stickers emblazoned with the logo of Nike's new NIKE mark.

Next, Mitchell and his friend Alex

Vaughn, also 15, checked out the BMX Park prelims. Vaughn is a big Nyquist fan. But he couldn't stay to watch Nyquist qualify.

"We had a raffle to go to."

Mitchell and Vaughn really tried to see the Skate Park finals. But by the time they got there, the stands were full and they couldn't catch even a glimpse of 15-year-old Ryan Sheckler. They listened to the public-address system and sweated a bit — not too much, because earlier they were spritzed with Tag Body Spray by a cadre of midriff-bearing models — before they cut over to the House of Dew, an air-conditioned mobile palace of digital entertainment.

Past the hip-hop MC, the bar full of Mountain Dew shots, the Napster listening stations and the airbrush tattoo chair, they settled in front of a PlayStation 2 and raced virtual all-terrain vehicles, even as Nyquist took his first run in the BMX Park finals.

No biggie. Mitchell had set his television at home to tape the finals. They'd watch later.

The House of Dew held less appeal for the minority of older attend-

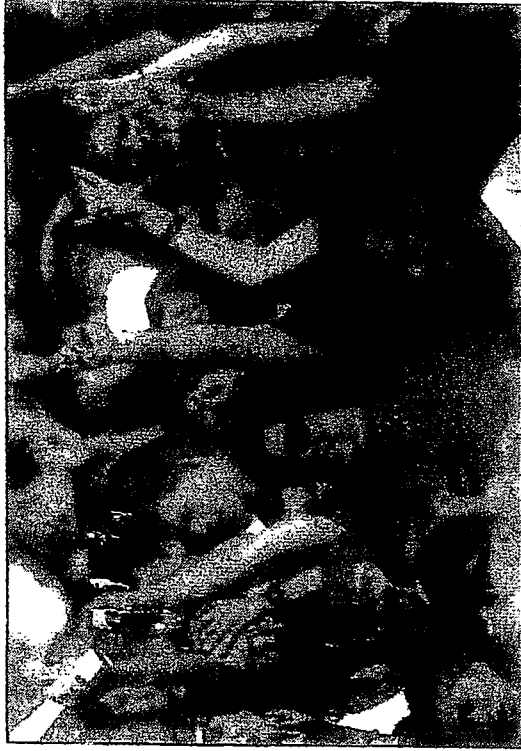
ees, such as DJ Hardy of Lincoln City, who took the day off to bring her two grandchildren.

"I'm frustrated," she said as she waited in line to get into the stands for the Skate Park finals. As the public-address announcer introduced X Games Skate Park champion Paul Rodriguez, Hardy shouted to security guards, "Come on. Let us in!"

Her grandson, Don Chappell, 16, said he watches the X Games on television "all the time" and has longed to attend this type of event. But rather than complaining about not being able to see the competitors, he asked, "Hey Grandma, is it OK if I go get some free stuff?"

In an extreme sports scene that trades heavily on image and attitude, Chappell's politeness was remarkably common. His first observation about fans: "No one's been pushing or showing or anything."

Tim Blazejewski, who came from Buffalo, N.Y., with the advertising firm that ran the OXY booth, explained that the Dew Tour serves the demographics companies such as OXY are after: not just adolescents, but those who are up on the



BENJAMIN BRINK/THE OREGONIAN

It's easy to identify a Vans Invitational spectator. Just look for someone wearing OXY Acne Solutions beads and collecting Nike stickers and trailing the scent of Tag Body Spray as they head to drink shots of Mountain Dew.

latest trends. By the end of the day, many spectators were wearing the beads, which had medallions with the Mountain Dew logo on one side and OXY on the other.

Only one problem: Most of them kept surreptitiously turning the medallions around so that the Mountain Dew side faced out.

There were a few who just didn't care. Amanda Godinez, 16, of Cornelius, for one, really was there to see the athletes. She and her boyfriend got up at 8 a.m. to catch MAX, and at the end of the Skate Park finals, they

gathered around the skaters and begged for autographs.

Godinez's shirt read, "I Love Ryan Sheckler." Godinez said, "I like, LOVE Ryan Sheckler." Sheckler placed second behind upset winner Greg Lutza, but Godinez's day was a success — she got his autograph on her shirt.

She didn't even have to take off her OXY beads to show it off.



Will Oremus: 503-284-5924; willoremus@naus.oregonian.com

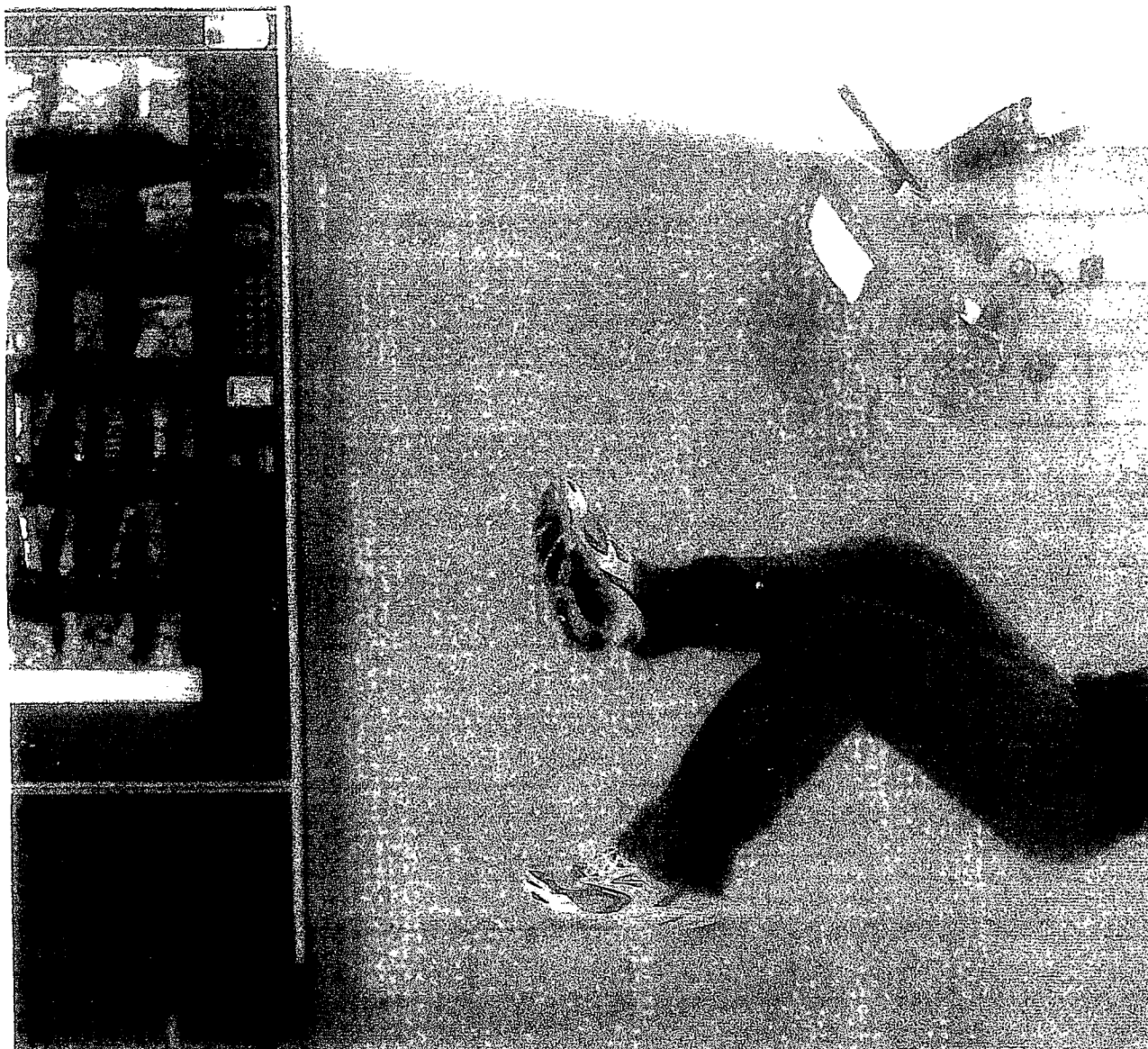


CAFETERIA

DEPOSITION
EXHIBIT

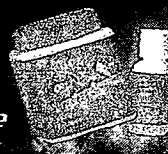
#7 for 1A
10/19/06

EVEN IN YOUR MOST EMBARRASSING MOMENTS,
NEVER BE AFRAID TO SHOW YOUR FACE.



Simple and effective, OXY is one of the best moves you can make to help keep your face fresh, clean, and acne-free.

OXY
smooth move



OPP00020

oxynation.com

Bike"

YOU MAY LAND ON YOUR FACE
ACNE SHOULDN'T

Simple and effective, OXY is one of the last in a series you can make to help
keep your face clean, clear, and acne-free

OXY
smooth move

OXYSMOOTH.COM

035SIKidsBike7.indd 1

7/19/05 4:16:02 PM

	Job Number: 05-MEN-035		cenergycommunications
	Client: Mentholatum	Flat Size:	Sent to Client
	Project: SI for Kids Ad	Finished Size: 8x10.5	Client Approval X
	Date: July 19, 05	Colors: 4c	Creative Director X
	Version: 7	Bleed: 8.25x10.75	Account Manager X
	Run Date:	Transmit:	Proofreading X
	Filename: 035SIKidsBike7		Corrections made X

OPP00021

YOU MAY FALL
BUT WHATEVER YOU DO
PROTECT
YOUR FACE.

FOR OBVIOUS REASONS.

Simple and effective. OXY is one of the best
moves you can make to help keep your face
fresh, clean, and acne-free.

OXY
smooth move

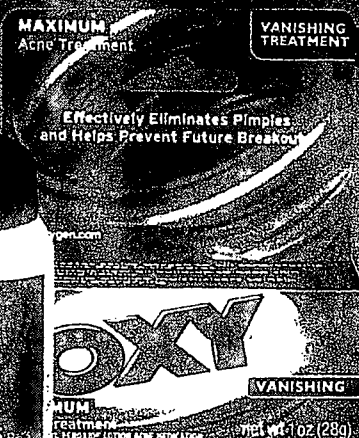


oxynation.com

OPP00022

**Oxy works with oxygen
to fight pimples.**

**Oxy Pads kill over 99% of
the bacteria that cause zits
within 30 seconds.**



FSI 7/05 MANUFACTURER COUPON EXPIRES 3/31/05

**SAVE
\$1.00**

on any
Oxy® product



Redeemable at food, drug and mass merchandise stores. CONSUMER: Limit 1 coupon per purchase of indicated product(s). You pay any sales tax. RETAILER: GSK will reimburse you the face value of this coupon plus 12¢ handling fee if submitted in compliance with our Redemption Policy. Copy available upon request. Cash value 1/100 of \$1.00. Coupon is void if altered, transferred, exchanged, sold, copied or if prohibited by law. Good only in USA and at APDs. Send coupons to: GlaxoSmithKline Consumer Healthcare, P.O. Box 880658, El Paso, Texas 88588-0658. ©2004 GlaxoSmithKline. Read and follow label directions.

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Great Value for Superior Product
Satisfaction Guaranteed

Estrogen
Free

Remifemin

Menopause

Herbal
Supplement

- Hot Flashes*
- Night Sweats*
- Mood Swings*

Clinically Shown
to Reduce
Menopausal
Symptoms

- Irritability*
- Related
Occasional
Sleeplessness*

60 Tablets =
1 month supply

- #1 OB/GYN Recommended OTC Menopausal Therapy
- Clinical studies show that the majority of women taking Remifemin twice a day experience a 70% reduction in physical and emotional symptoms in just twelve weeks.

*After 4 weeks of use, for any reason, if you aren't completely satisfied, save receipt, cartons and call 1-877-709-8539.

Dietary supplement category: Data on file.

*These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

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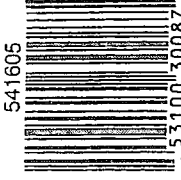
MANUFACTURER'S COUPON EXPIRES 4/30/05

**SAVE
\$3.00** On
Any
Remifemin

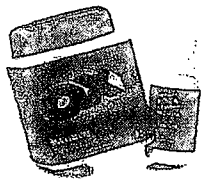


DEPOSITION
EXHIBIT
#8 for ID
10/19/06

Redeemable at food, drug and mass merchandise stores. CONSUMER: Limit 1 coupon per purchase of indicated product(s). You pay any sales tax. RETAILER: GSK will reimburse you the face value of this coupon plus 12¢ handling fee if submitted in compliance with our Redemption Policy. Copy available upon request. Cash value 1/100 of \$1.00. Coupon is void if altered, transferred, exchanged, sold, copied or if prohibited by law. Good only in USA and at APDs. Send coupons to: GlaxoSmithKline Consumer Healthcare, P.O. Box 880658, El Paso, Texas 88588-0658. Read and follow label directions. ©2004 GlaxoSmithKline.



OPP00016



SAVE
\$1.00
On any Oxy®
Product



110017



5 10742 50076 3 (8101) 0 11001 1105

Consumer: Limit one coupon per purchase. Coupon may not be mechanically reproduced. Dealer: We reimburse Face Value of Coupon plus 8 cents handling when properly redeemed on any Oxy® product. Any other application of this coupon constitutes fraud. Invoices proving purchase of sufficient stock to cover coupons presented for redemption must be shown upon request. Redemption through outside agencies, brokers, etc., will not be honored except where specifically authorized by us in writing. Consumer pays sales tax. Void where prohibited, taxed or restricted by law. Good only in U.S.A. Cash value 1/100 of 1 cent. Send to: The Mentholatum Company, Inc. P.O. Box 880086, El Paso, TX 79889-0086. Expires 11/30/05

When they have to
face the world,
make sure it's a face the world wants to see.



One of the best moves you can make to help your kids stay
acne-free and confident is to get them OXY® acne solutions.

OXY
smooth move

OPP00017

oxynation.com

FSI - Aug 14, 2005



PRESS RELEASE
FOR IMMEDIATE RELEASE
JULY 25, 2005

OXY DEBUTS TELEVISION CAMPAIGN FEATURING DAVE MIRRA

Orchard Park, NY- OXY Acne Solutions unveiled the first in a series of television commercials featuring BMX star and 13-time X Games Gold Medalist, Dave Mirra. OXY signed Dave Mirra as a spokesperson this past May and is featuring him in a television and print advertising campaign.

The first spot in the series, titled "Falling" is dramatically shot and focuses the fact you have to fall to get to the top. As the spot closes, Dave Mirra states "when the spotlight shines on you, make sure it's a face everyone wants to see. Oxy, Smooth Move."

The spots will debut on NBC during the Dew Action Sports Tour and continue to air on MTV and Comedy Central over the summer. Additional television spots from the advertising campaign will be introduced over the summer.

The campaign was created by Oxy's agency of record, Cenergy Communications.

Campaign Credits:

Agency: Cenergy Communications
Director: Andrew Christou
Copywriter: Monish Bhattacharyya
Creative Director: Thomas Mooney

- more -



#9 for LD
10/19/06

cenergycommunications

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NEW YORK, USA • WORLDWIDE AUSTRALIA • CENERGY.COM

OPP00006



About Mentholatum

Mentholatum World and US Division Headquarters are in Orchard Park, New York, with divisions in Australia, South Africa, Canada, Scotland, Taiwan, Hong Kong, South Korea, Mexico, Malaysia, Thailand, and China. Manufacturing is performed in 5 locations around the globe and products are marketed and sold in over 130 countries. Oxy is represented by Cenergy Communications

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OPP00007



PRESS RELEASE
FOR IMMEDIATE RELEASE
August 4, 2005

OXY ACNE SOLUTIONS SIGNS TWO ATHLETES FOR 2005 SUMMER X GAMES

***Contract includes logo recognition on athletes
for duration of competition***

August 3, 2005, 2005- Oxy Acne Solutions, one of the nation's leading skin care brands for teens and young adults, has signed an endorsement deal with two premier BMX athletes, Steve McCann and Morgan Wade, for the 2005 ESPN Summer X Games.

As part of the agreement, McCann, a native of Melbourne, Australia, will promote Oxy via logo recognition on his helmet throughout the competition. At 21, McCann has accomplished more than most of his counterparts winning gold medals at both the Asian and Australian X Games, as well as silver and bronze medals at the 2004 Gravity Games. McCann's sponsors include Mongoose and Hyundai.

A native of Tyler, TX, Wade will be promoting the OXY brand through logo recognition on his helmet, shirt and bike. Morgan is notorious for pushing the sport to new limits: constantly mastering new tricks and amplifying old ones, which netted him a gold medal at the 2004 Gravity Games. Wade's sponsors include Etnies Shoes, SNAFU, Empire BMX, Bell Helmets, Mutiny Bikes, and Riff-Raff BMX.

"Steve McCann and Morgan Wade both have a strong identification among our target audience and compliment the new Oxy," said Todd Cantrell, Marketing Manager, Oxy. "Having a presence at this year's X Games further reinforces our position to appeal to the active teen."

- more -



#10 for LD
10/19/06

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The deal strengthens Oxy's commitment to the youth market and extreme sports. OXY is currently sponsoring the Dew Action Sports Tour and has an endorsement deal with 13-time X Games Gold Medalist Dave Mirra, the most successful BMX freestyle rider in the history of the sport.

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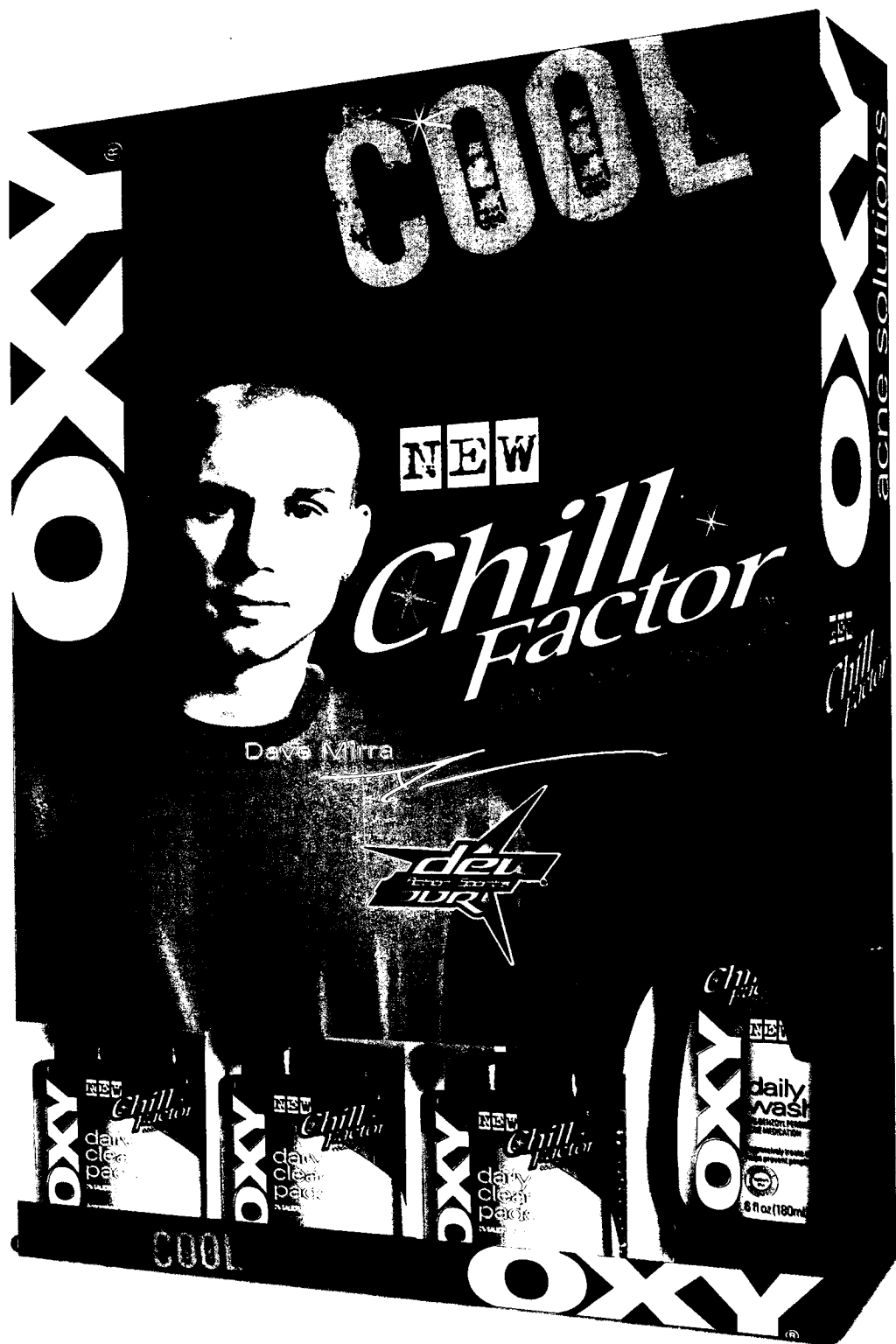
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OPP00005



DEPOSITION
EXHIBIT

#10 for ID
10/19/06

DEPOSITION
EXHIBIT

#12 for ID
10/19/06

Let's face it. If your school's sports facilities could be featured on an episode of "Pimp My Gym", you need to step up. Your first step should be to enter the OXY® "Support Your Jock" Giveaway for a chance at a \$25,000 extreme makeover for your high school's athletic program. Of course, you also get the chance to win some big league prizes for yourself like, Nike gear, EA's Madden '07, Burton Snowboards, Nintendo DS handhelds, iPod Nanos and much more.

It's easy to do. Just submit your stats and school information and you're automatically registered. Make sure you get all your friends to do it because the more votes your school has the better your chance to win the \$25,000. So enter the Support Your Jock Giveaway and get in the game!

First Name:

Last Name:

Gender:

GENDER

Birth Date:

MONTH

DAY

YEAR

10 Digit Phone
Number:

Email Address:

Street Address:

City:

State:

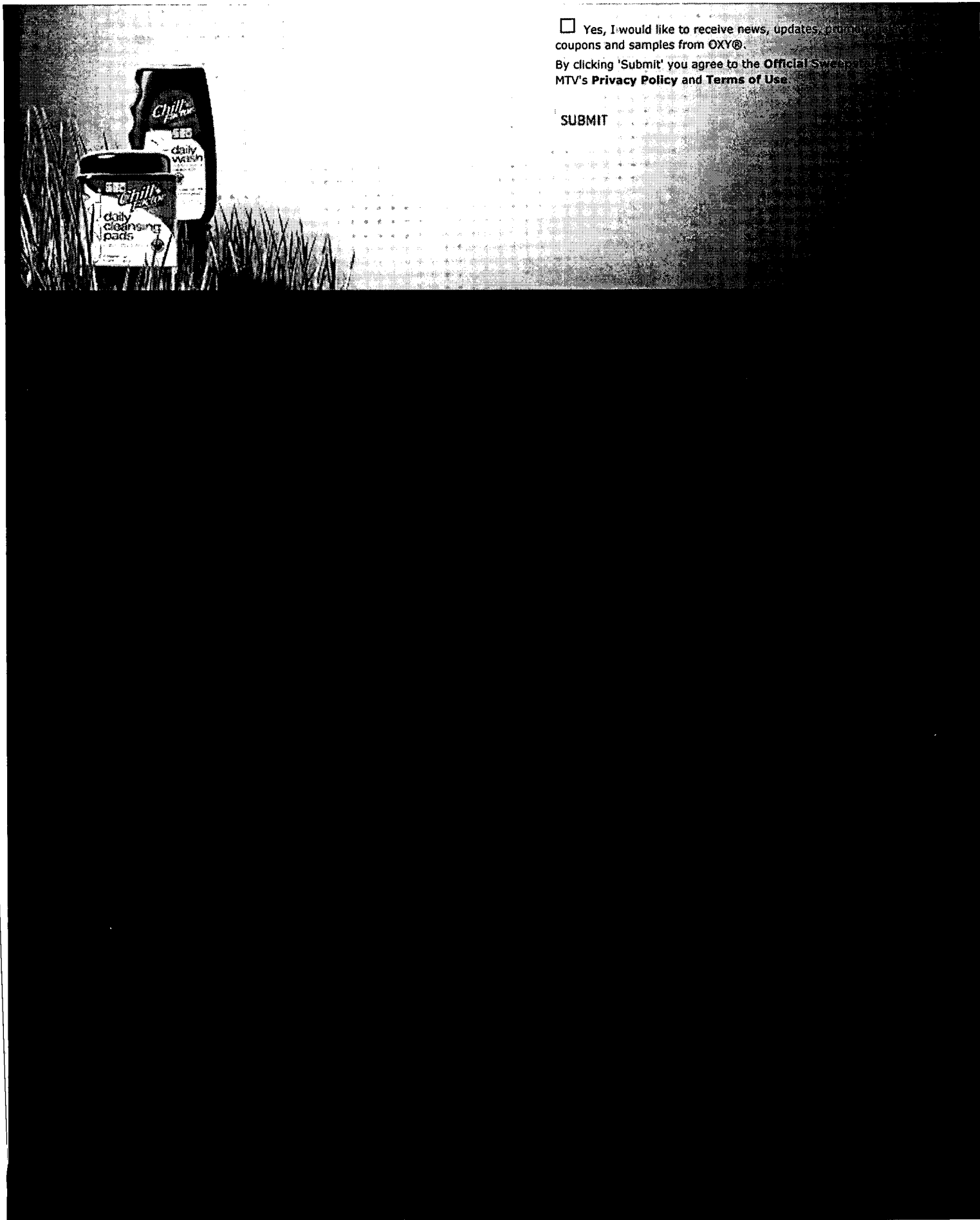
Select a State

Zip Code:

School To Be
Nominated:

School Address:

School Zip:



☐ Yes, I would like to receive news, updates, promotions, coupons and samples from OXY@.

By clicking 'Submit' you agree to the Official Sweepstakes Rules and MTV's Privacy Policy and Terms of Use.

SUBMIT

